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GENERAL LAWS

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR 1859,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

PUBLISHED BY AUTHORITY.

MADISON:
JAMES ROSS, STATE PRINTER—PATRIOT OFFICE,
1859.

5 1970

LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * *There shall be prefixed to each volume of the Laws hereafter published, the names and residence of the several State Officers, the Senators, and Members of the Assembly, and the Presiding Officers, and Clerks of both branches of the Legislature, at the time of the passage of such Laws.*"—GENERAL LAWS 1854, CHAPTER 94.

NAMES AND RESIDENCE

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS, AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		Post Office.	*County.*
Alexander W. Randall	Governor	Waukesha	Waukesha.
William H. Watson	Private Sec'y to Governor	Milwaukee	Milwaukee.
E. D. Campbell	Lieut. Governor	La Crosse	La Crosse.
David W. Jones	Secretary of State	Madison	Dane.
James D. Ruggles	Assistant do	do	Dane.
Samuel D. Hastings	State Treasurer	Trempeleau	Trempeleau.
F. A. Scofield	Assistant do	Madison	Dane.
Gabriel Bouck	Attorney General	Oshkosh	Winnebago.
Jeremiah Crowley	Assistant do	Oshkosh	Winnebago.
Lyman C. Draper	State Superintendent	Madison	Dane.
S. H. Carpenter	Assistant do	do	Dane.
Joel C. Squires	Bank Comptroller	Mineral Point	Iowa.
A. Menges	Assistant do	Madison	Dane.
Edward McGraw	State Prison Commissioner	Sheboygan	Sheboygan.
James Giddings	Assistant do	Waupun	Dodge.
Horace Rublee	State Librarian	Madison	Dane.
R. H. Hotchkiss	Senator	Plymouth	Sheboygan
M. L. Martin	do	Green Bay	Brown.
Lion Silverman	do	Ozaukee	Ozaukee.
Densmore W. Maxon	do	Cedar Creek	Washington.
Cicero Comstock	do	Milwaukee	Milwaukee.
P. Walsh	do	Milwaukee	Milwaukee.
Nicholas D. Fratt	do	Racine	Racine.
Samuel R. McClellan	do	Wilmot	Kenosha.
H. W. Curtis	do	Delton	Sauk.
D. Worthington	do	Summit	Waukesha.
W. R. Taylor	do	Cottage Grove	Dane.
John W. Boyd	do	Geneva	Walworth.

NAME.	OFFICE.	RESIDENCE.	
		Post Office.	*County.*
P. B. Simpson	Senator	Shullsburg	La Fayette.
William Chappell	do	Watertown	Jefferson.
Charles G. Rodolf	do	Orien	Richland.
N. H. Virgin	do	Platteville	Grant.
Z. P. Burdick	do	Janesville	Rock.
A. I. Bennett	do	Beloit	Rock.
Samuel H. Thurber	do	Manitowoc	Manitowoc.
E. Pier	do	Fond du Lac	Fond du Lac.
G. W. Washburn	do	Oshkosh	Winnebago.
William E. Smith	do	Fox Lake	Dodge.
E. D. Masters	do	Jefferson	Jefferson.
J. W. Warren	do	Albany	Green.
Moses M. Davis	do	Portage City	Columbia.
Andrew Proudfit	do	Madison	Dane.
Luther Hanchett	do	Stanton	Portage.
Daniel Mears	do	Osceola Mills	Polk.
M. N. Seely	do	Marquette	Green Lake.
W. H. Tucker	do	La Crosse	La Crosse.
Wm. P. Lyon, *Speaker*	Member of the Assembly.	Racine	Racine.
William Aldrich	do	Two Rivers	Manitowoc.
William Balloch	do	Yorkville	Racine.
Luther Basford	do	Glen Haven	Grant.
Jacob Beck	do	Milwaukee	Milwaukee.
Geo. W. Beckwith	do	Omro	Winnebago.
Geo. Bennett	do	Kenosha	Kenosha.
Jesse Bennett	do	Fountain City	Buffalo.
John C. Bishop	do	Le Roy	Dodge.
William W. Blackman	do	Stoughton	Dane.
Ira Blood	do	Mukwonago	Waukesha.
Alvan E. Bovay	do	Ripon	Fond du Lac.
John R. Bohan	do	Ozaukee	Ozaukee.
Geo. Broderick	do	Hazel Green	Grant.
Elisha L. Carpenter	do	Beloit	Rock.
Warner C. Carr	do	Crystal Lake	Waupaca.
Luther A. Cole	do	Watertown	Jefferson.
Sylvester J. Conklin	do	Waterloo	Jefferson.
Edward P. Conrick	do	Delavan	Walworth.
Alexander J. Craig	do	Palmyra	Jefferson.
William S. Cross	do	Milwaukee	Milwaukee.
Charles T. Deissner	do	Waukesha	Waukesha.
Richard Dewhurst	do	Neilsville	Clark.
John P. Dickson	do	Janesville	Rock.
William Dixon	do	Lone Rock	Richland.
James B. Dunn	do	Manitowoc	Manitowoc.
Richard P. Eighme	do	Oshkosh	Winnebago.
Andrew E. Elmore	do	Mukwonago	Waukesha.
Thomas H. Eviston	do	Milwaukee	Milwaukee.
William Fields, Jr	do	Depere	Brown.
William M. Griswold	do	Columbus	Columbus.
Edward Hasse	do	Milwaukee	Milwaukee.
Harrison C. Hobart	do	Chilton	Calumet.
Daniel Hooper	do	Troy	Walworth.
Frederick W. Horn	do	Cedarburg	Ozaukee.

NAME.	OFFICE.	RESIDENCE.	
		Post Office.	*County.*
Franklin E. Hoyt	Member of the Assembly.	Rochester	Racine.
John O. Jones	do	Cambria	Columbia.
John Keenan	do	Fitchburgh	Dane.
Charles J. Kern	do	Milwaukee	Milwaukee.
William P. King	do	Merton	Waukesha.
Cyrus S. Kneeland	do	Waupun	Dodge.
David W. Kyle	do	Shullsburg	La Fayette.
John C. Lewis	do	Fond du Lac	Fond du Lac.
James Little	do	Sheboyg'nFalls	Sheboygan.
Stephen D. Littlefield	do	Sheboyg'nFalls	Sheboygan.
John Lowth	do	Lowell	Dodge.
Waldo Lyon	do	Hustisford	Dodge.
Charles W. Marshall	do	La Crosse	La Crosse.
Silas C. Matteson	do	Waucousta	Fond du Lac.
Marcus W. McCracken	do	Superior	Douglass.
Wm. M. McGranahan	do	Fayette	La Fayette.
James C. McKisson	do	Wheatland	Kenosha.
H. A. W. McNair	do	Fennimore	Grant.
Gardiner C. Meigs	do	Arena	Iowa.
Lorenzo Merrill	do	Burnett	Dodge.
Frederick Moscowitz	do	Milwaukee	Milwaukee.
James S. Murphy	do	Benton	La Fayette.
Newton S. Murphy	do	Whitewater	Walworth.
James B. Ormsby	do	Oxford	Marquette.
Harlow S. Orton	do	Madison	Dane.
Edwin Palmer	do	Milwaukee	Milwaukee.
Thomas Palmer	do	Mayville	Dodge.
O. Hugo Petters	do	Murone	Fond du Lac.
Albert H. Pierce	do	Monticello	Green.
Joseph K. P. Porter	do	Cooksville	Rock.
Reuben Rockwell	do	Springfield	Walworth.
Eli O. Rudd	do	Reedsburg	Sauk.
John D. Rush	do	Winneconne	Winnebago.
Parker Sawyer	do	Summit	Waukesha.
William N. Shafter	do	Sheboygan	Sheboygan.
Matthias Simon	do	Anepee	Kewaunee.
Adam Smith	do	Burke	Dane.
Geo. B. Smith	do	Madison	Dane.
Geo. C. Smith	do	Oakland	Jefferson.
Perry H. Smith	do	Appleton	Outagamie.
James W. Seaton	do	Potosi	Grant.
Gustave Streckewald	do	Hartford	Washington.
James A. Swain	do	Milwaukee	Milwaukee.
Jesse Thomas	do	Green Lake	Green Lake.
John Toay	do	Mineral Point	Iowa.
Thomas W. Tower	do	Towerville	Crawford.
John Turner	do	Mauston	Juneau.
Gysbert Van Steenwyk	do	Kilbourn City	Columbia.
Leonard S. Van Vliet	do	Cal'do'iaCentre	Racine.
Edward Vincent	do	Milton	Rock.
James Vollmar	do	West Bend	Washington.
Ferdinand Wagner	do	a tertown	Jefferson.
Jesse Waldorf	do	Platteville	Grant.

NAME.	OFFICE.	RESIDENCE.	
		Post Office.	*County.*
Joseph Walter	Member of the Assembly.	Milwaukee	Milwaukee.
Chester N. Waterbury	do	Roxbury	Dane.
Edmund A. West	do	Monroe	Green.
Nelson Wheeler	do	Humboldt	Sauk.
William E. Wheeler	do	Beloit	Rock.
Charles White	do	Calona	Waushara.
Warren Whiting	do	Ladoga	Fond du Lac.
James S. Young	do	Stevens' Point	Portage.
Philip Zimmerman	do	Staatsville	Washington.
E. D. Campbell	Lt. Gov. & Pres't of Senate	La Crosse	La Crosse.
Wm. P. Lyon	Speaker of the Assembly.	Racine	Racine.
Hiram Bowen	Chief Clerk of Senate	Janesville	Rock.
C. M. Cook	Assistant do	Madison	Dane.
L. H. D. Crane	Chief Clerk of Assembly	Ripon	Fond du Lac.
John S. Dean	Assistant do	Wiota	La Fayette.

Note.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and enclosed in a parenthesis, (*thus*). Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets [thus;] and in no case has the text of the enrolled bill been altered.—*Printer.*

GENERAL LAWS.

[*Published January* 21, 1859.]

CHAPTER 1.

AN ACT to prescribe the time for holding Courts in the Fifth Judicial Circuit.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That hereafter the general terms of the circuit court in and for the counties of Iowa, Grant and La Fayette, in the Fifth Judicial Circuit of this State, shall be held as follows: In the county of Iowa, on the third Monday in February and the third Monday in September of each year; in the county of Grant, on the first Monday in March and the first Monday in October of each year; in the county of La Fayette, on the fourth Monday in March and the fourth Monday in October of each year.

Court in fifth circuit.

Time of holding same.

SEC. 2. All writs, summons, process, indictments, recognizances, and other proceedings made returnable to the terms now fixed by law, shall be returnable to the terms herein provided; and all adjournments, appearances, continuances, motions and notices, of any proceedings in the circuit courts of said counties, made or taken to any term of a date subsequent to the date when this act shall take effect, shall be held and taken for the time herein provided for holding the terms of said courts.

Writs, &c. when returnable,

SEC. 3. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SEC. 4. This act, immediately after its passage, shall be published in a newspaper printed in each of the counties of Iowa, Grant and La Fayette, and it is hereby made the duty of the secretary of state to immediately furnish copies of this act to the publishers of papers in said counties for publication.

Publication.

SEC. 5. This act shall take effect and be in force from and after its passage and publication.

Approved January 20, 1859.

[*Published January* 21, 1859.]

CHAPTER 2.

AN ACT to authorize the holding of a special term of the circuit court in and for the county of Kenosha.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Special term.

SECTION 1. That a special term of the circuit court in and for the county of Kenosha shall be holden at the Court House, in the city of Kenosha in said county, on the first Tuesday of February, A. D. 1859, to commence at 10 o'clock in the forenoon of said day, for the transaction of all business not requiring the intervention of a jury.

When held.

No notice required.

SEC. 2. No notice of the holding of said special term shall be required, other than the passage of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 20, 1859.

[*Published January* 24, 1859.]

CHAPTER 3.

AN ACT relating to the publication of legal notices.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Legal Notices.

SECTION 1. In all cases where any summons, order of court, notice of sale, or other legal notice, is required by law to be published in any newspaper in any county in this state, and the newspaper in which such summons, order, or other legal notice, was ordered to be published shall cease to be printed and published before the publication of such summons, order or other legal notice shall have been completed as required by law, then and in that case such publication may be continued and completed in the manner hereinafter provided.

How published in certain cases.

Order to continue publication.

SEC. 2. Upon proof being made by affidavit to the satisfaction of any court commissioner, county judge or circuit court, or any judge of said court, that any newspaper in any county in this state in which any summons, or other legal notice has been ordered to be pub-

lished has ceased to be printed and published, such court commissioner, county judge, circuit court, (or judge thereof,) shall, on application of any person interested, make an order that such publication be finished and completed in some other newspaper printed in such county, or in some newspaper printed in an adjoining county, and the time which such summons or notice has been published at the date of making such application shall be deducted from the time required by law for its publication, and the order of the commissioner, court or judge shall be that such summons or other notice be published in such other newspaper for the residue of the time required by law for such publication; and such publication, when so made, shall be as valid and effectual as if made in the newspaper in which such publication was commenced.

Such publication to be valid.

SEC. 3. The provisions of this act shall apply to all legal notices the publication of which shall be unfinished at the time of its passage.

Application of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved January 22, 1859.

[*Published January* 29, 1859.]

CHAPTER 4.

AN ACT to authorize town clerks to certify to the state superintendent the amount of money assessed for the support of schools, and to provide for levying a tax in certain cases.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Those towns that have not assessed, by direction of the board of supervisors, an amount equal to one-half of the amount received from the school fund at the last annual apportionment, shall, and are hereby authorized to certify through the clerks of said towns, to the state superintendent such additional amounts as have been assessed for the support of schools.

What towns to assess.

By whom certified.

SEC. 2. Those towns that have not assessed, by order of the county supervisors, a sum of money equal to one-half of the amount received from the school fund, are hereby authorized to supply such deficiency by an immediate assessment upon the taxable property of said towns, of such sums as shall be necessary, the same to

What amount. How assessed, and how collected.

be estimated and directed by the board of supervisors of the respective towns, to be levied and collected in the same manner as other taxes, and certified by the town clerk to the state superintendent, previous to the apportionment of the income of the School Fund in the present year.

Duty of state superintendent.

SEC. 3. The state superintendent is hereby authorized to apportion to the different towns, that comply with the provisions of this act, such sums of money as they may thereby be entitled to.

SEC. 4. This act shall take effect from and after its passage.

Approved January 27, 1859.

[*Published February* 1, 1859.]

CHAPTER 5.

AN ACT to extend the time for the payment of interest on school, university and swamp lands.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Interest to what time extended.

SECTION 1. That the time now required by law by which the interest on school, university and swamp lands, and on all loans of money from the school, university and the drainage funds shall be paid, is hereby extended to [the] fifth day of March in each year.

SEC. 2. This act shall take effect from and after its passage.

Approved January 31, 1859.

[*Published February* 2, 1859.]

CHAPTER 6.

AN ACT to amend sections twenty-six and ninety, of chapter twenty-eight of the revised statutes, entitled "Of the school and university lands."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended.

SECTION 1. Section twenty-six, of chapter twenty-eight of the revised statutes, is hereby amended by striking out after the word "January," in the ninth line of said section, the words "or within thirty days there-

after in each year," and insert in lieu thereof the words "or on or before the fifth day of March thereafter in each year."

SEC. 2. Section ninety of said chapter is hereby amended by inserting before the word "school," in the second line of said section, the word "drainage."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 31, 1859.

[*Published February* 2, 1859.]

CHAPTER 7.

AN ACT to amend chapter fifteen of the revised statutes, entitled "Of town and town officers, powers and duties of towns."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter fifteen of the revised statutes be and the same is hereby amended by striking out in said section in the second line thereof the word "March," and inserting in lieu thereof the word "April;" and section twelve of said chapter is hereby amended by striking out the word "March," in second line of section twelve, and insert in lieu thereof the word "April." Time extended.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 1, 1859.

[*Published February* 4, 1859.]

CHAPTER 8.

AN ACT to amend chapter two of the revised statutes, entitled "Of the division of the state into counties, and their boundaries."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fifty-fourth section of chapter two (2) of the revised statutes is hereby so amended as to read, after the word "townships," in the sixth line of said section, "twenty-four and twenty-five north; thence east on said township line, to the range line between ranges fif- Certain boundaries defined

teen and sixteen east; thence north on said range line to the township line between townships twenty-five and twenty-six north; thence west on said township line to the range line between ranges twelve and thirteen east; thence north on said range line to the township line between townships twenty-seven and twenty-eight north; thence west on said township line to the range line between ranges nine and ten east; thence south on said range line to the township line between townships twenty-five and twenty-six north; thence east on said township line to the range line between ranges ten and eleven east."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 3, 1859.

[*Published March* 14, 1859]

CHAPTER 9.

AN ACT for the compensation of the officers of the legislature for the year 1859.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Compensation of officers.

To what officers applicable.

SECTION 1. There is hereby appropiated out of any money in the treasury not otherwise appropriated, a sum sufficient to pay the per diem of the officers of the legislature, as hereinafter provided, to wit: To the chief clerks, each five dollars; to the assistant clerks, each three dollars; to all other clerks, sergeant-at-arms, and their assistants, and postmasters, each two dollars and fifty cents; to assistant postmasters, door-keepers and firemen, each two dollars; and to messengers, each one dollar per day.

Per diem, how paid.

SEC. 2. The per diem hereby established, shall only be allowed from the commencement to the adjournment of the Legislature, and each of the officers mentioned in this act is hereby authorized to receive his per diem from the treasury on the certificate of the presiding officers of their respective houses as to the number of days attendance.

SEC. 3. This act shall be in force from and after its passage.

Approved February 4, 1859.

[*Published February* 10, 1859.]

CHAPTER 10.

AN ACT supplemental to chapter 79 of the revised statutes, entitled "of railroads."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In case of any sale of any railroad in this State, or any part of any railroad with its appurtenances, property, right of way, franchises and privileges, or any of them, by virtue or on foreclosure of any trust deed or mortgage now executed or hereafter executed on the same, and in case no other person or body shall bid for the same an amount equal to seventy-five per cent. of the bonds or other obligation secured by such trust deed or mortgage, actually outstanding at the time of such sale, the trustee or trustees in said trust deed or mortgage, may, and he or they are hereby authorized to bid for the same a sum equal to seventy-five per cent. of such outstanding bonds or obligations, and in case of such bid, to such amounts being made by any other person or body, it shall be the right of such trustee or trustees, in his or their sound discretion, to bid for the same a further amounts, not exceeding the amount of the principal and unpaid interest of such outstanding bonds or obligations, and such bids may be made by such trustee or trustees without the payment of any money, except the costs and expenses of sale, and without incurring any personal liability to pay the same, in the same manner as if such trustee or trustees held such trust deed or mortgage in his or their own right: *Provided*, that nothing in this act mentioned or contained, shall be construed to impair or in any manner affect the rights of the State to resume the privileges granted to any railroad company, or the lands granted in aid thereof, upon a failure of such company to comply with the conditions annexed to any such grant, nor shall any such trustee or trustees by such purchase acquire any greater or better title to any lands granted in aid of such road than the company had acquired thereto prior to such sale.

In case of sale by foreclosure &c.

Who may bid in.

At what pr.ct.

Proviso.

SEC. 2. The estate and title of any trustee or trustees named in such trust deed or mortgage, acquired by purchase at such sale, shall be held in trust for the holders of such outstanding bonds or obligations, in the same manner as if they had become the purchasers, in propor-

Title to be held in trust, &c.

tion to the amount of such bonds or obligations severally held by them.

SEC. 3. This act shall take effect immediately.

Approved February 8, 1859.

[*Published February* 12, 1859.]

CHAPTER 11.

AN ACT to amend chapter 36, of the general laws of 1858, entitled "An act to provide for the payment of clerks of the joint standing committee of investigation."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Annual apportionment.

SECTION 1. Section 1, of chapter 36 of the general laws of 1858, entitled "An act to provide for the payment of clerks of the joint standing committee of investigation," is hereby amended as follows: insert after the word "appropriated," in the first line, the word "annually."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 11, 1859.

[*Published February* 14, 1859.]

CHAPTER 12.

AN ACT to amend chapter eighty, of the revised statutes, relating to county agricultural societies.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

What societies entitled to money.

SECTION 1. All county agricultural societies, whether organized under any special or general act of the legislature or by association, that make their annual report for the year 1858, as required by section four of chapter eighty of the revised statutes (relating to county agricultural societies,) by the first of March next, whether such societies have complied with the provision for printing such reports as therein set forth for 1858, or neglected so doing, shall be entitled to the one hundred dollar appropriation referred to in said section, for the said year 1858, irrespective of any provision of law to

Amount to be drawn.

the contrary, and it shall be the duty of the secretary of state, on receiving the aforesaid reports, to audit and allow the same.

SEC. 2. The provisions of this act shall apply to the years 1856 and 1857, as fully as to the year 1858. Application of this act.

SEC. 3. This act shall be in force from and after its passage and publication.

Approved February 11, 1859.

[*Published February* 14, 1859.]

CHAPTER 13.

AN ACT To change the time of holding the terms of the circuit court in the county of Washington.

The People of theState of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The next term of the circuit court of Washington county shall be held on the first Wednesday in April next, and thereafter the terms of the circuit court, for said county of Washington shall be held on the first Wednesday in April and the second Monday in October in each year. Courts—when held.

SEC. 2. All writs, recognizances and other proceedings, made returnable to the circuit court of said county of Washington, shall be deemed and considered returnable to the terms of said court, as fixed by this act; and all motions, continuances and other proceedings, noticed to be herad at any regular term of said court, shall be deemed and considered to be noticed for hearing at the regular terms of said court as the same are fixed by this act. Writs, &c., when returnable.

SEC. 3. So much of any act and all laws now in force, inconsistent with the provisions of this act, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 11, 1859.

[*Published February* 14, 1859.]

CHAPTER 14.

AN ACT to amend chapter eighteen, of the revised statutes, relative to the assessment and collection of taxes.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

State tax—when paid—how credited.

SECTION. 1. On or before the first Monday of February in each year, the several county treasurers shall pay to the state treasurer the amount of state taxes charged to their respective counties, which monies, when so paid, shall be credited by the state treasurer to the county so paying the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1859.

[*Published February* 16, 1859.]

CHAPTER 15.

AN ACT in relation to the circuit court for Rock county.

The People of the State of Wisconsin, represented in Senate and Assembly, doenact as follows:

Special term—when held.

SECTION 1. A special term of the circuit court for Rock county, shall be held on the twenty-third day of February, 1859, and no notice of the holding thereof shall be required.

Calendar to be prepared.

SEC. 2. It shall be the duty of the clerk of said court to prepare for such special term a calendar of all causes at issue and noticed for trial at the regular November term of said court held in the year 1858, and not disposed of at said regular term; and the causes so prepared, in which the intervention of a jury shall not be required by law for trial, or in which a jury shall be waived in pursuance of the statute, shall stand for trial and hearing at such special term without notice of trial or argument by either party.

Causes to be heard.

Adjournment.

SEC. 3. The judge of said court may adjourn said special term for any time, by an order made in open court, and entered in the minutes kept by the clerk

thereof, and no notice of such adjournment shall be required.

SEC. 4. This act shall take effect from and after its passage.

Approved February 15, 1859.

[*Published February* 16, 1859.]

CHAPTER 16.

AN ACT to authorize the state treasurer to retain from the income fund of the university of Wisconsin, a sum sufficient to pay the interest upon all loans made to said university.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Interest money retained—for what purpose.

SECTION 1. It shall be the duty of the state treasurer to retain from the income fund of the University of Wisconsin an amount sufficient to pay the annual interest upon all loans made to said university from the school, university, and normal school funds, and to apply the same for that purpose, and pay over the remainder of said income to the treasurer of the university, and take his receipt therefor.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 15, 1859.

[*Published February* 18, 1859.]

CHAPTER 17.

AN ACT to amend chapter 103 of the general laws of 1858, relative to insurance companies.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

How amended

SECTION 1. Section 1, of chapter 103 of the general laws of 1858, is hereby amended by striking out the word "offered," where it occurs in the twentieth line of said section, in the published volume of laws, and inserting the word "reserved;" also by inserting the words "in this state," after the word "agencies," where it occurs in the twenty-fourth line of said sec-

tion; also, by adding at the end of said section the following proviso, to wit: "*Provided*, That in the case of companies doing business under charters from foreign governments, the statement called for by this act may be made and sworn to by the board of resident directors, or other officers in charge of the general business of the company in the United States."

Proviso.

SEC. 2. This act shall be published immediately, and shall take effect from and after its publication.

Approved February 17, 1859.

[*Published February* 21, 1859.]

CHAPTER 18.

AN ACT to provide for the removal of the county seat of Juneau county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Question—when submitted.

SECTION 1. At the annual election to be held in the month of November next, the qualified electors of the county of Juneau may vote upon the question of the removal of the county seat of said county from New Lisbon to Mauston therein, which place last named is hereby fixed as the point to which it is proposed to remove said county seat.

How voted upon.

SEC. 2. All votes given upon the question aforesaid shall be by ballot, upon which shall be written or printed, either the words "For the removal of the county seat to Mauston," or "Against the removal of the county seat to Mauston. Said ballots shall be deposited by the inspectors of elections in a separate box, to be by them for that purpose prepared. And in case a majority of all the votes cast on the question shall be in favor of removal to Mauston, then said village of Mauston shall be the county seat of said county.

County seat.

Votes—how canvassed and returned.

SEC. 3. The votes cast as above provided shall be canvassed, certified, and the result ascertained and declared by the same officers, at the time and in the manner provided by law for canvassing, certifying, and ascertaining the result of elections for state or county officers; and such result, when so ascertained, shall, by the canvassing officers, be reduced to writing, and by them certified to be in all respects true and correct; and when the same is so reduced to writing, and certified, the clerk of the

board of supervisors shall record the same in some county record book in his office, and shall, without delay, by mail, transmit the original to the secretary of state at Madison, who shall, upon the receipt thereof, file and preserve the same.

SEC. 4. This act shall take effect from and after its passage.

Approved February 17, 1859.

[*Published February* 21, 1859.]

CHAPTER 19.

AN ACT to amend an act entitled, "An Act to change the names of Elizabeth Brooks and Virginia Brooks," approved March 13th, 1855, and to repeal chapter 21 of the session laws of 1858.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the act to change the name of Elizabeth Brooks and Virginia Brooks, approved March 13, 1855, is hereby amended, so as to read "Deichman" wherever the proper name "Drichman" occurs therein. Change of name.

SEC. 2. Chapter twenty-one of the session laws of 1858, entitled "An act to amend an act to change the name of Elizabeth Brooks and Virginia Brooks," shall be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 17, 1859.

[*Published February* 21, 1859.]

CHAPTER 20.

AN ACT to provide for the payment of the clerks of the committees on judiciary and claims.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, a sum sufficient to pay for the services of the clerks of the committee on claims, and the clerks of the com- Pay of clerks in certain cases.

Proviso

mittee on judiciary, of the Senate and Assembly: *Provided*, that the compensation of such clerks shall not exceed the sum of three dollars per day.

Certificate of amount—how payable.

SEC. 2. The chairman of the committee for which such service has been rendered shall execute to the person who performed the same, a certificate of the amount due for such service; and upon presentation of such certificate to the secretary of state, he shall audit and allow the same, and issue his draft for the amount upon the state treasurer, who is hereby authorized to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 18, 1859.

[*Published February* 21, 1859.]

CHAPTER 21.

AN ACT in relation to Undertakings and Securities in certain cases.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Attorneys not to go bail.

SEC. 1. Hereafter no attorney or counsellor at law practising in any of the counties of this state shall be taken or received as bail or security on any undertaking, bond, or recognizance in any case or action, civil or criminal.

When not exempted.

SEC. 2. Nothing contained in the foregoing section shall be so construed as to exempt an attorney from liability to pay costs in cases where he is now by law liable to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 18th, 1859.

[*Published February* 22, 1859.]

CHAPTER 22.

AN ACT relative to the sale of Lands for unpaid Taxes, and the conveyance and redemption thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All lands returned to the county treasurer, as provided by law, upon which the taxes, interest, and charges shall not be paid by the first day of February next, after the return thereof, shall be subject to sale as hereinafter provided. **Lands subject to sale.**

SEC. 2. The county treasurer shall immediately after the day specified in the preceding section, make out a statement of all such lands, containing a brief description thereof, with an accompanying notice stating that so much of each tract or parcel of land described in said statement as may be necessary therefor, will, on the second Tuesday of April next thereafter, and the next succeeding days, be sold by him at public auction, at some public place, naming the same at the seat of justice of the county, that he may select for the payment of the taxes, interest and charges thereon, and if in any county no seat of justice shall be established, then at such public place therein as he shall select. **Statement thereof.** **Time and place of sale.**

SEC. 3. The county treasurer shall cause such statement and notice to be published in a newspaper, printed in his county, if there be such newspaper, and if none, then in a newspaper printed in an adjoining county, if there be such newspaper printed in such adjoining county, but if there is no such newspaper printed in the same, or in an adjoining county, then such statement and notice shall be published in some newspaper printed at the seat of government; which statement and notice, shall in all cases be published once in each week, for four successive weeks, prior to the said second Tuesday of April; and such treasurer shall also, at least four weeks previous to said day, cause to be posted up, copies of said statement and notice, in at least four public places in such county, one of which copies shall be posted up in some conspicuous place in his office. **Notice of sale by publication** **By posting notice.**

SEC. 4. If the time for the return of unpaid taxes to the county treasurer of any county shall be fixed by law on any other day, than the first day of February, the county treasurer shall immediately after the day appointed for **Duty of treasurer in certain cases.**

making returns as aforesaid, make the statement as provided in the second section of this act, with a notice that the lands described therein will be sold on the second Tuesday of the month next but one succeeding that in which such return shall have been made, and such sale shall be advertised and conducted in the same manner, and with like effect, as required by the provisions of this act. If for any cause other than as hereinafter provided, any county treasurer shall not sell the lands returned to him upon which the taxes, interest and charges have not been paid, for any year on the second Tuesday of April and next succeeding days, it shall be the duty of such treasurer, and he is hereby required to advertise and sell the same on the first Tuesday of September following, and such advertisement and sale and proceedings subsequent thereto, shall be made in the manner in this act provided, and shall conform in all respects to the provisions of this act, and shall be as valid and binding as like sales made on the second Tuesday of April. Every printer who shall publish such statement and notice, shall immediately after the last publication thereof, transmit to the treasurer of the proper county, an affidavit of such publication, made by some person to whom the fact of publication shall be known, and no printer shall be paid for publishing any such statement and notices, who shall fail so to transmit such affidavit, within six days after the last publication thereof.

To advertise.

Affidavit of publication.

Affidavit of treasurer.

SEC. 5. The county treasurer shall also make, or cause to be made an affidavit, or affidavits of the posting of such statement and notice as above required, which affidavits, together with the affidavit of the publication, shall be carefully preserved by him and deposited as hereinafter specified.

Sale.

SEC. 6. On the day designated in the notice of sale, the several county treasurers shall commence the sale of those lands, on which the taxes, interest and charges shall not have been paid, and shall continue the same from day to day, (Sundays excepted,) until so much of each parcel thereof, shall be sold, as shall be sufficient to pay the taxes, interest and charges thereon, and all moneys received on such sale, shall be paid into the county treasury.

Moneys paid in.

Lands, how sold.

SEC. 7. The person offering at such sale to pay the taxes, interest and charges on any tract or parcel of land for the least quantity thereof, shall be the purchaser of such quantity, which shall be taken from the north side or end of such tract or parcel, and shall be bounded on

the south by a line running parallel with the northerly line thereof, if such line be a single straight line, otherwise the south line of the portion so sold shall run due east and west, and in case no bid shall be made for the payment of the taxes, interest and charges, on any such tract or parcel of land for a portion thereof, then the whole of such tract or parcel shall be sold.

Conditions of sale.

SEC. 8. The county treasurer may, in his discretion, require immediate payment of every person to whom any parcel of such land shall be struck off, and in all cases where the payment is not made in twenty-four hours after the bid, he may declare such bid cancelled, and sell the land again, or may sue the purchaser for the purchase money, and recover the same with costs and ten per cent. damages; and any person so neglecting or refusing to make payment, shall not be entitled, after such neglect, to have any bid made by him received by the treasurer during such sale.

Penalty.

When not sold to be bid off for county.

SEC. 9. If any parcel of land cannot be sold for the amount of taxes, interest and charges thereon, it shall be passed over, for the time being, but shall, before the close of the sale, be re-offered for sale, and if the same cannot be sold for the amount aforesaid, the county treasurer shall bid off the same for the county for such amount.

Such lands subject to taxation.

SEC. 10. All lands bid off for the county, as provided in the preceding section, shall continue liable to be taxed, in the same manner as if they were the property of individuals, and such taxes, interest and charges thereon, shall be a lien on such lands, and shall be paid out of the county treasury while such lands belong to the county; but no land so bid in for the county, shall be offered for sale for any taxes levied thereon subsequent to such bid, until it shall have been redeemed, or shall be sold by the county, or the tax certificate issued to the county shall have been assigned.

But not to sale

Deed to county.

SEC. 11. When any lands so bid off for any county shall not be redeemed as provided by law, the clerk of the board of supervisors shall execute to the county, in his name of office, a deed of release therefor, witnessed and acknowledged in like manner as deeds to individuals, which shall have the same force and effect as conveyances executed by said clerk to individuals for land sold for taxes.

County may sell or assign, &c.

SEC. 12. The board of supervisors of any county may, by an order, to be entered in their records, authorize the clerk of their board, or any other person, to sell and assign the tax certificates issued for lands bid off for such

county, and also to sell and convey by deed, duly executed and delivered by such clerk or other person under his hand and seal, for such county, any such lands for which a deed of release has been executed to the same, as provided in the preceding section.

Ownership of land, not important.

SEC. 13. When any land is offered for sale for any taxes, it shall not be necessary to sell the same as the property of any particular person, and if it should be sold as the property of any such person, no misnomer of the owner or supposed owner, or other mistake respecting the ownership of such land, shall ever effect the sale or render it void or voidable.

Certificate of purchase.

SEC. 14. The county treasurer shall give to each purchaser, on the payment of his bids, and if the same be struck off to the county, then to such county, a certificate in writing, dated the day of the sale, describing the lands purchased, the amount paid therefor, and the time when the purchaser will be entitled to a deed, which certificate shall be assignable, and any person's interest therein may be transferred by a written assignment endorsed upon or attached to the same, and such assignment shall have the same force and effect as the assignment of bonds for the conveyance of land, and such certificate, if acknowledged by the treasurer and certified by a person authorized to take the acknowledgment of deeds, may be recorded in the office of the register of deeds of the proper county.

Assignable.

SEC. 15. Every county treasurer shall, immediately after the close of the sale of any lands for taxes, deposite in the office of the clerk of the board of supervisors of his county all affidavits, notices, and papers in relation to such tax sale to be filed and preserved therein; also a statement containing a particular description of each tract and parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known; and the said treasurer and clerk shall each record such statement in a book to be kept by each of them for that purpose in their respective offices.

May be recorded.

Publication of delinquent list

SEC. 16. The clerk of the board of supervisors in each county shall, at least six months before the expiration of the time limited for redeeming lands sold as aforesaid, cause to be published in a newspaper printed in his county, if there be such newspaper, and if none, then in a newspaper printed in an adjoining county, if there be one, but if there is no such newspaper printed in the same, or in an adjoining county, then in a newspaper printed at the seat of government, once a week for twelve succes-

How made.

sive weeks, a list of all unredeemed lands, specifying each tract or lot, the name of the person to whom assessed, if to any, and the amount of taxes, charges and interest, calculated to the last day of redemption, due on each parcel, together with a notice that unless such lands be redeemed on or before the day limited therefor, specifying the same, they will be conveyed to the purchaser.

When list to be posted.

SEC. 17. If no newspaper be published in such county, the clerk of the board of supervisors shall, at least three months previous to the time limited for the redemption of any lands sold for taxes, cause to be posted up copies of the list and notice specified in the preceding section, in at least four public places in his county, one of which copies shall be posted up in some conspicuous place in his office.

Redemption.

SEC. 18. The owner or occupant of any land sold for taxes, or any other person, may at any time within three years from the date of the certificate of sale, redeem the same, or any part thereof, or interest therein, by paying to the clerk of the board of supervisors of the county where such land was sold for the use of the purchaser, his heirs and assigns, the amount for which such land was sold, and all subsequent charges thereon, authorized by the provisions of this act, or such proportion thereof as the part or interest redeemed shall amount to, with interest on the amount of purchase money at the rate of twenty-five per cent. per annum, from the date of such certificate, but whenever any land sold for taxes shall be redeemed within six months after the sale thereof, interest as aforesaid shall be paid for six months; *Provided, however*, that in all cases, any such person may in like manner redeem any such lands, or any part thereof, or interest thereon, at any time before the tax deed executed upon such sale is recorded, and when so redeemed, such deeds shall be void.

Interest on purchase money.

Proviso.

All taxes and charges to be paid.

SEC. 19. The person wishing to redeem any lands sold for taxes, in addition to the amount to be paid by him, as specified in the preceding section, shall, before the same shall be redeemed, pay all other taxes and charges on the land, or the part thereof, or interest therein, sought to be redeemed, imposed subsequent to such sale, and paid by such purchaser or his assigns, prior to redemption, with interest thereon, at twelve per cent. per annum; *Provided*, vouchers or other evidences of the payment of such last named taxes and charges, shall have been deposited with the clerk of the board of supervisors of the county where

Proviso.

such land is situated, or produced to the owner or other person seeking to redeem.

Lands of minors, &c.

SEC. 20. The lands of minors, or any interest they may have in lands sold for taxes, may be redeemed at any time before such minor comes of age, and during one year thereafter, and the lands of idiots, married women and insane persons, so sold, or any interest they may have in the same, may be redeemed at any time within five years after such sale, and such redemption shall be made in the same manner as provided in the last two preceding sections.

Certificate of redemption.

SEC. 21. Upon the redemption of any land sold for taxes, by payment to the clerk of the board of supervisors, such clerk shall execute to the person so redeeming, a certificate, specifying therein the name of the purchaser, the land redeemed, and the amount of the redemption money paid, and such clerk shall also enter on the sale list kept by him, the name of the person redeeming, the sum paid therefor by him, and the time when paid, which certificate, before it shall be evidence of such redemption, shall be presented to the treasurer of the same county, and countersigned by him, and he shall also make a similar entry in the sale list kept by him, with that above required to be made by such clerk.

Redemption money.

SEC. 22. The clerk of the board of supervisors shall, upon the demand of any person entitled to any redemption money in his hands, forthwith pay the same to such person, and at the expiration of his term of office, shall pay over to his successor in office all redemption money in his hands.

Action, when certificate has been lost.

SEC. 23. Whenever any certificate, given by the county treasurer for lands sold for taxes, shall be lost, or wrongfully withheld from the owner, and such lands shall not have been redeemed, the board of supervisors may receive evidence of such loss or wrongful detention, and on satisfactory proof of the fact, may cause a deed as aforesaid to be executed to such person as may appear to them to be the rightful owner of the land described in such certificate; but no such deed, if wrongfully or improperly granted, shall be binding on the county, in respect to any of its covenants, nor shall it vest any right, title or interest, in the grantee or his assigns.

Redemption money, how paid, in certain cases.

SEC. 24. If there shall be a loss or wrongful detention of any such certificate, and the land therein described shall have been redeemed, any person may exhibit to the county treasurer, evidence of such loss or detention, and upon his making the same satisfactorily appear to such

treasurer, and upon his executing to him a bond, with sufficient security, to be approved by the treasurer, that such person will refund such redemption money, with twelve per cent. interest money thereon, if any other person will thereafter show his right thereto, such treasurer shall pay such redemption money to the person so executing such bond.

Tax deed to issue.

SEC. 25. If any land sold for taxes shall not be redeemed as aforesaid, the clerk of the board of supervisors of the county where the same was sold, shall, after the expiration of the time prescribed by law for the redemption thereof, on the presentation to him of the certificate (of such sale,) execute in the name of his county, as clerk of the board of supervisors thereof, under his hand and seal, to the purchaser, his heirs or assigns, a deed of the land so remaining unredeemed, and shall acknowledge the same, which shall vest in the grantee an absolute estate in fee simple, in such land, subject, however, to all unpaid taxes and charges, which are a lien thereon, and to redemption as provided in this act, and such deed duly witnessed and acknowledged, shall be prima facie evidence of the regularity of all the proceedings, from the valuation of the land of the assessor inclusive, up to the execution of the deed, and may be recorded with the like effect as other conveyances of land.

Conditions.

Irregular assessments and sales.

SEC. 26. If the county treasurer shall discover, before the sale as aforesaid, that on account of irregular assessments, or for any other error, any of said lands ought not to be sold he shall not offer the same for sale, and if after any certificate shall have been granted, upon the sale of the same, as aforesaid, the clerk of the board of supervisors shall discover that for any error or irregularity, the lands so sold ought not to be conveyed, he shall not convey the same, and the county treasurer shall, on demand, refund the amount paid therefor on such sale, and all subsequent taxes and charges paid thereon by the purchaser or his assigns, out of the county treasury, with interest on the whole amount at the rate of seven per cent. per annum.

Invalid sales, how cancelled

SEC. 27. If after the conveyance of any lands sold for taxes, it shall be discovered that the sale was invalid, the county board of supervisors shall cause the money paid therefor on the sale, and all subsequent taxes and charges paid thereon by the purchaser, or his assigns, to be refunded, with interest on the whole amount at the rate of seven per cent. per annum, upon the re-delivery of the deed to be cancelled. And in all such cases, if the

county treasurer shall have offered to the person entitled thereto his money as aforesaid, and such person shall refuse to receive the money and cancel the deed, he shall never be entitled to receive any interest on the money so paid by him after the day of such offer and refusal; nor shall any recovery ever be had against the county on the covenants of such deed.

In case of refusal, &c.

Lands omitted to be included in succeeding list.

SEC. 28. Whenever an account of an erroneous or defective description of any lands or any other error or defect, if such lands were justly taxable, the same shall have been stricken from the assessment roll, or shall have been omitted to be sold at any tax sale, or when so sold, the clerk of the board of supervisors shall withhold the tax deeds therefor, as provided by law, the county board of supervisors shall cause such lands to be correctly described, and such uncollected tax to be entered and collected upon the assessment roll of the next succeeding year, in the same manner as the taxes assessed in such last named year. But if such lands cannot be correctly described, or if from any other cause the tax so unpaid cannot be collected on the same, said board shall raise such tax, or so much thereof as would have belonged to the county and State revenue, upon the proper town or ward, or otherwise correct such error as they shall deem equitable.

When correct description cannot be had

Moneys belonging to towns, &c.

SEC. 29. If any portion of the uncollected taxes mentioned in the preceding section, shall be collected and paid into the county treasury, which belong to any town or to any school or road district, in any town, such taxes shall be drawn by the town treasurer of the town in which they belong, and paid over by such treasurer as the law requires, and the amount of every such tax belonging to any town, school or road district, shall be ascertained from the record of the taxes in the town for the year in which such uncollected taxes were assessed.

Improper assessments

SEC. 30. If any person within two years after the payment of any tax by him, can satisfactorily show to the county board of supervisors, that the same was improperly assessed, or was paid by mistake when it was not legally chargeable, the said board shall order the same to be repaid by the county treasurer, and if the tax so refunded, or any portion thereof, be properly chargeable, to any town, it shall be so charged.

Taxes, a lien on lands.

SEC. 31. All taxes assessed on any tract or parcel of land, and all costs, charges and interest thereon, shall be a lien on such land until paid, and all costs and expenses which shall accrue jointly, or in the aggregate, on two or

more tracts or parcels of land, shall be apportioned on equal parts upon the several tracts or parcels.

Time of bringing actions.

SEC. 32. No action shall be maintained by the grantee named in any deed of conveyance, executed by the clerk of any county board of supervisors on the sale of lands for the non-payment of taxes as provided in this act, or any other person claiming under such grantee, to recover the possession of the land described therein, or any part thereof, or interest therein, unless such action shall be brought within three years next after the date of the recording of such deed, or unless such grantee, or those claiming under him shall have paid the taxes assessed on such land for five years next after the date of such deed, or unless such grantee, or those claiming under him shall have been in the actual and continual possession of said lands claiming title under such deeds for three years previous to the expiration of five years next after the date of such deed in the two cases last mentioned, such action may be brought within the time limited by law for the bringing of actions for the recovery of real estate after the date of such deed.

To recover possession.

To annul tax deed.

SEC. 33. No action shall be maintained by the former owner or owners of any land, or by any person claiming under him or them, to recover the possession of the lands which shall have been conveyed by the clerk of the board of supervisors of any county by deed, as provided in this act, or any part thereof, or for the purpose of rendering such conveyance null and void, against the grantee in such deed, or those claiming under such grantee, when such grantee or those claiming under him shall have entered into actual possession of the lands so conveyed, claiming title under such deed, within one year after the date of such deed, and shall have continued in the actual possession thereof, for the term of three years, and paid all the taxes assessed thereon after the date of such deed, unless such action shall be commenced within four years next after the recording of such deed in the office of the register of deeds of the proper county.

What constitutes possession.

SEC. 34. What shall constitute a possession of lands within the meaning of the preceding sections, and the extent of such possession, shall be governed by rules of law established by section seven, of chapter one hundred and thirty-eight, of the revised statutes; and the limitation for bringing actions prescribed in the two preceding sections shall not apply to any person who shall be a minor at the time such right of action shall accrue, but such minor may bring such action or actions after the time lim-

ited, at any time during his minority, and within one year after, but not after that period.

Grantee may commence action.

SEC. 35. The grantee named in any deed of conveyance made by a clerk of the board of supervisors of any county, on the sale of lands for the non-payment of taxes, as provided in this act, his heirs, executors, or assigns, may at any time within three years after the date of such conveyance, commence an action against the person or persons owning the lands described in such conveyance, at the time of making the sale upon which such conveyance was made, or any parcel thereof, or interest therein, or against any person or persons claiming under such owner or owners, for the purpose of barring such former owner or owners, and those claiming under them, of all right, title, interest, or claim in such land.

Action, where brought.

SEC. 36. Such action must be brought in the circuit court of the county in which the lands, or some parcel of them, the title of which is sought to be barred by such action, are situate; and the plaintiff in such action may include in his complaint all the lands described in such conveyance, or any separate parcel, or as many separate parcels thereof as he shall see fit, and he shall make defendants all persons who were the former owners of the several parcels of land included in his complaint, or those claiming under them, or claiming any interest therein.

Parties to

What complaint shall set forth, &c.

SEC. 37. The plaintiff in such action shall set forth in his complaint, a description of all the lands, the title to which is sought to be barred by such action; that he claims title to such lands under a conveyance made by a clerk of a county board of supervisors, under the provisions of this act, and set forth therein a copy of such conveyance. The plaintiff shall set forth in his complaint the name or names of the former owner or owners of the several tracts of land described therein, or the names of the persons claiming under such owner or owners, specifying the persons claiming each separate parcel thereof, and the amount of all taxes paid by him on the several tracts of land described in such complaint, which were assessed thereon subsequent to the tax for the non-payment of which the same were sold, the time of payment, and the amount paid on each separate parcel. Such complaint shall also contain a prayer for judgment against such former owner or owners, or those claiming under them, barring them, and each of them, and all other persons claiming under them subsequent to the commencement of such action, from all right, title, interest or claim, in and to said lands or any part thereof.

Sec. 38. The defendants in such action may answer severally, or such of them as are jointly interested in any separate parcel or parcels of land described in the complaint, may answer jointly that the lands described in such complaint, or some part or parts thereof, and to which the defendant or defendants so answering claim title or some interest therein, were not liable to taxation at the time of the tax, for the non-payment of which the land was sold and conveyed, as specified in the complaint, (was levied) or that the tax for the non-payment of which said land purported sold was in fact paid before such sale, or that the deed, a copy of which was set forth in the complaint, was never executed by the clerk of the board of supervisors, whose name is subscribed thereto; and no other defence to such action shall be set up in the answer of any defendant or defendants, unless the defendant or defendants, setting up the same, shall at the time of filing the answer, deposit with the clerk of the court, in which such action is pending, for the use of the plaintiff in such action, the sum for which the parcel or parcels of land as to which they defend, was sold, together with the interest thereon, at the rate of twenty-five per cent. *per annum* from the date of such deed; and also, all such sums as shall have been paid by the plaintiff for subsequent taxes, on such parcel or parcels, with interest thereon from the time of payment, at the rate of twenty-five per cent. *per annum* to the time of making such deposit, and shall state in the answer the fact that such deposit has been made, and the amount thereof, and that such defendant is ready to pay such portion of the cost and disbursements in said action as shall be adjudged just and reasonable; in case the plaintiff shall elect to receive such deposit, and release to said defendant or defendants the parcel or parcels of land on account of which such deposit is made, and any defendant or defendants making the deposit and offer aforesaid, may set up in their answer any other matter of defence which will avoid such conveyance, but no answer merely alleging the defendant's title, or denying the plaintiff's title to the lands described in such complaint, or any part or parcel thereof, or which merely alleges that the conveyance to the plaintiff is void, shall be a sufficient answer, but every answer shall state specifically the grounds on which the defendant or defendants rely for avoiding the conveyance of the plaintiff.

Defendant may answer, &c.

Condition.

Sec. 39. The plaintiff may, at any time, within twenty days after receiving an answer, showing that a deposit

Notice, and action when plaintiff re-

ceives deposit

has been made by any defendant or defendants, as provided in the preceding section, give notice to such defendant or defendants, that he elects to receive such deposit, and that he will, at a time specified in such notice, apply to the clerk of the circuit court, circuit judge, or court commissioner, to adjust the costs which said defendant or defendants ought to pay, and that upon the payment of the costs so adjudged, he will release to such defendant or defendants, all right, title and claim which he has to the parcel or parcels of lands on account of which such deposit is made.

When suit to discontinue.

SEC. 40. On the payment of the costs by such defendant or defendants, the said plaintiff shall execute a release to said defendant or defendants, of all right, title, interest or claim in said parcel or parcels of lands, duly acknowledging the same, and deliver to the said defendant or defendants, and thereupon said action shall be deemed discontinued as to the said parcel or parcels of land so released.

Deed to be evidence of title.

SEC. 41. In any action maintained under the provisions of this act, the production of the deed, a copy of which is set forth in the complaint, substantially in the form hereinafter prescribed, or a certified copy of the record thereof shall be prima facie evidence of an absolute title in fee simple in the grantee therein named, his heirs or assigns, in and to the land therein described.

Issues, how tried.

SEC. 42. All issues of fact and of law, joined in any such action, shall be tried by the court, unless the court shall otherwise direct, or unless a party to an issue of fact, in any such action shall demand a trial by jury, in which case such issue shall be tried by jury, as other issues of fact.

SEC. 43. The trial of any issue of fact, or of law, in such action, joined with any defendant or defendants, claiming title to, and defending as to any separate parcel or parcels of land, shall be had separately, and separate judgment may be rendered on such issue.

Judgment to bar further action.

SEC. 44. If a judgment shall be rendered either for want of an answer, or upon the trial of an issue of law or of fact, in favor of the plaintiff and against the defendants claiming such lands, or against defendant or defendants claiming any separate parcel or parcels thereof, such judgment shall forever bar such defendants, and all others claiming under them, after the commencement of said action, from all right, title or interest in said lands, or in such separate parcel or parcels thereof, and such judgment shall be so entered on the judgment book.

SEC. 45. If in any such action, judgment be rendered in favor of a defendant or defendants claiming any parcel or parcels of said lands, or interest thereon, such judgment shall direct the plaintiff to release to such defendant or defendants all right or claim under the deed set forth in his complaint to the lands claimed by such defendant or defendants, in whose favor such judgment shall be rendered with costs to such defendant or defendants, and the money, if any, deposited by any such defendant or defendants, as required by the provisions of this act, shall be applied in payment of such costs, and the surplus of such deposit, if any, shall be paid to the plaintiff. Judgment, when in favor of defendant, &c.

SEC. 46. If the plaintiff, in an action commenced under the provisions of this act, cannot ascertain who are the proper persons to make defendants, as to any tract or parcel of land described in his complaint, he may allege the fact in his complaint, and they may be proceeded against as absent defendants, and shall be described in the proceeding as "unknown owners." Unknown owners.

SEC. 47. If a defendant, in any action instituted under the provisions of this act, being the owner of any land described in the plaintiff's complaint, at the time the same was sold for the non-payment of taxes thereon, and a minor shall not have arrived at the age of twenty-one years, at the time of the commencement of such action, such action shall be discontinued as to such defendant. When owned by minors.

SEC. 48. No action shall be commenced by any person under the provisions of this act, after a judgment shall have been rendered against him, in an action founded on such tax-deed, commenced by him, or those under whom he claims, for the recovery of the possession of the lands described in such deed or any part thereof, nor after a judgment shall have been rendered against him, in an action brought by the former owner, to recover possession of the lands described in such deed or any part thereof. Action forbidden in certain cases.

SEC. 49. All lands heretofore sold for the non-payment of taxes, under the provisions of law existing at the time of such sale, shall be subject to be redeemed and conveyed when not redeemed in the manner provided by this act. Of lands heretofore sold.

SEC. 50. All deeds of land sold for the non-payment of taxes, hereafter executed, shall be executed by the proper officer, authorized by law, to execute the same in the name of the State of Wisconsin, and of the proper county, or city, or incorporated town or village, as the Deed, by whom and how executed

grantors therein, and shall be substantially in the following or other equivalent form :

Form of deed.

To all to whom these presents shall come, Greeting: Whereas, —— (or assignee of ——) has deposited in the office of the clerk of the county board of supervisors, of the county of —— in the State of Wisconsin, a certificate (or certificates) of the (here name the officer making the sale) of said county, whereby it appears (as the fact is) that the following described piece (or pieces) or parcel (or parcels) of land, lying and being situated in the county of ———, to wit: (Here describe the lands) was (or were) for the non-payment of taxes, sold by the (here name the officer making the sale) at public auction, at ——, in the county of ———, on the ——— day of ———, in the year of our Lord one thousand eight hundred and ——, to the said ———, for the sum of ——— dollars and —— cents in the whole; which sum was the amount of taxes assessed, and due, and unpaid on said tract (or several tracts) of land, together with the costs and charges of such sale, due therewith at the time of making such sale, the whole of which sum of money has been paid by the aforesaid purchaser, (or purchasers) and whereas, it further appears (as the fact is) that the owner (or owners) or claimant (or claimants) of said lands, has (or have) not redeemed from said sale the lands which were sold as aforesaid, and said lands are now unredeemed from such sale, whereby said described lands have become forfeited, and the said purchaser, his (or her or their) heirs or assigns, is (or are) entitled to a conveyance thereof.

Now, therefore, know all men by these presents, That the county of ———, in said State, and the State of Wisconsin, in consideration of the said money aforesaid, and the premises, and in conformity to law, hath and hereby doth give, grant and convey the treat (or several tracts) of land above described, together with the hereditaments and appurtenances to the said ——— and to his (or her or their) heirs and assigns, to their sole use and benefit forever.

In testimony whereof, I, ———, the (here designate the officer) of the county of ———, have executed this deed pursuant to, and in virtue of the authority in me vested, by the statutes of the State of Wisconsin, and for and on behalf of the said State, and of the county of ——— aforesaid, and have hereunto subscribed my name, officially, and affixed the seal of the said ———, (name it) at ———, in said county of ———, this

——— day of ———, in the year of our Lord one thousand eight hundred and ———.

[L. S.] A. B.

[Here give official designation.]

Done in presence of ——— ———

——— ———

Seal, to affix.

SEC. 51. In all cases hereafter, when a deed, under this act shall be executed by the clerk of "county board of supervisors," or by the clerk of "the board of county supervisors," such deeds hall have affixed thereto the seal of such board, as the case may be, which is hereby declared to be the corporate seal of the county.

Deeds of conveyance.

SEC. 52. In all cases hereafter, of conveyance of land for non-payment of taxes, due to any incorporated city or village in this State, under the provisions of the act or acts authorizing such city or village, to assess and collect taxes, the deed executed shall conform as near as may be to the above form, shall be executed in the name of the State of Wisconsin, and in the corporate name of such city or village as grantor, and shall be sealed with the corporate seal of such city or village.

To be valid and effectual.

SEC. 53. Deeds of conveyance of lands for non-payment of taxes, under the provision of this act, shall be as valid and effectual to convey the lands therein described, as if the same had been executed by, and in the name of the State of Wisconsin, in any manner or form whatever.

Tax certificate.

SEC. 54. Hereafter all certificates of tax sale shall be substantially in the following form, to wit:

Form of same

STATE OF WISCONSIN, } ss
———COUNTY. }

COUNTY TREASURER'S OFFICE, A. D. 18 .

I, —— County Treasurer of the county of ——, in said State, do hereby certify, that I did, at public auction, pursuant to notice given, as by law required, on this —— day of ——, sell to A. B. (or to the county of ——,) the lands herein described for the sum of —— dollars and —— cents, said sum being the amount due and unpaid for taxes, interest and charges on said lands, for the year of our Lord one thousand eight hundred and ——. That said A. B., his heirs or assigns, (or said county or assigns,) will therefore be entitled to a deed of conveyance of said lands in ——years, from this date, unless sooner redeemed from such sale according to law. Said lands are described as follows, with the sums for which each tract was sold, set opposite to each description. That is to say: the east half of south-west

quarter, section 1, town 1 north, range 1 east, $10 00—according to the facts.

A. B,
County Treasurer.

Assignable. The above, or an equivalent form, is declared to be sufficient, and the same may be assigned by the purchaser writing his name in blank on the back thereof, and by the county treasurer in like manner, with his official character added.

Fees, To clerk. SEC. 55. In addition to any fees elsewhere specifically allowed for services to be performed under the requisitions of this act, the following shall be allowed, to wit: To the clerk of the board of supervisors, for every deed of land, which deed, when the land is in a contiguous tract, shall include one hundred and sixty acres or more, sold for taxes, seventy-five cents; for each additional tract or parcel of land therein described, after the first, five cents; to the person taking and certifying the acknowledgment of the same, twent-five cents; to said clerk for certificate of redemption, twenty-five cents; for each additional tract or parcel described therein, after the first, five cents; to the county treasurer, for countersigning any such certificate, five cents; for the county treasurer, for a certificate of the sale of lands, twenty-five cents; for each additional tract or parcel of land described therein after the first, five cents. The clerk or treasurer granting such deed or certificate shall include therein as many parcels of land bid off, owned, or redeemed by any person as he may desire, and the above fees shall be paid by such person. To printer. To the printer who shall publish any notice of sale of lands for taxes, for each lot or tract, twenty-five cents for all the insertions; to the printer who shall publish any notice of the time when redemption of lands sold for taxes will expire, for each lot or tract, thirty cents for all the insertions; the drawing affidavits of publication, twenty-five cents; for taking and certifying the same, ten cents. Fees of publication shall be apportioned equally upon the several parcels of land advertised; and all costs, charges and interest imposed by the provisions of this act, and paid upon any lands, shall be a lien thereon until paid equally with the unpaid taxes.

Publication of this act. SEC. 56. The secretary of state shall cause this act to be published immediately after its passage, and to transmit printed copies thereof by mail to the county treasurer and the clerk of the board of supervisors of each of the counties in the State.

SEC. 57. In case of a sale by the county treasurer of

any piece or parcel of land for taxes which shall have been paid, the clerk of the board of supervisors shall, on presentation to him of a receipt of the treasurer, showing that such taxes have been paid, enter in his sales book, opposite the description of the property so sold, the fact that such receipt had been presented, and by whom presented, the date of presentation, and by whom the receipt was executed. Erroneous sale. duty of clerk.

SEC. 58. So much of chapter eighteen of the revised statutes as is inconsistent with the provisions of this act is hereby repealed. Repealed.

SEC. 59. This act shall take effect and be in force from and after its passage.

Approved February 19, 1859.

[*Published February* 21, 1859.]

CHAPTER 23.

AN ACT supplemental to chapter eighty of the general laws of 1858, entitled "An act relating to injunctions in certain cases."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. No preliminary injunction or injunctional order shall be issued under the provisions of chapter 80 of the general laws of 1858, entitled "An act relating to injunctions in certain cases," except upon thirty days notice, which notice shall specify the time, and place when, and the judge to whom the application for the injunction or injunctional order will be made, and shall be subscribed by the plaintiff or his attorney, and served either on the president or secretary of the company, or superintendent of the road, at least thirty days before the time therein specified for making such application. At the time and place specified in such notice, the company against which the proceedings are had, may appear by attorney, and show cause, if any exists, why such injunction or injunctional order ought not to issue. Notice of injunction to be given. Upon whom and when served.

SEC. 2. Such preliminary injunction or injunctional order may be allowed and issued by a judge of a circuit court, or by either of the judges of the Supreme Court, either in term time or vacation, but such preliminary injunction or injunctional order shall not be either allowed or issued by any county judge or court commissioner. By whom issued.

SEC. 3. This act shall take effect and be in force from and after its publication.

Approved February 19, 1859.

[*Published February* 24, 1859.]

CHAPTER 24.

AN ACT to amend chapter eighteen of the revised statutes, entitled "Of the assessment and collection of taxes."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Lists of delinquent state lands.

SECTION 1. If the taxes on any state, school, university or swamp lands, in any county in this state, held on contract, shall not be paid on or before the first day of April next succeeding the return of said lands to the county treasurer of such county, with interest thereon at the rate of twelve per cent, from the first day of January next preceding said return, the said county treasurer shall immediately forward certified lists of such lands, on which the taxes remain unpaid, with the said interest added thereto, to the state treasurer, who shall immediately place the same to the credit of the proper county, and such credit shall be a valid offset to an equal amount of state tax charged to said county.

Returned to state treasurer

Per centage added.

SEC. 2. The state treasurer shall charge such returned taxes against the lands to which they belong, adding thereto twenty-five per cent; which twenty-five per cent. shall be collected with other charges against said lands, and when collected shall be added to the principal of the school, university, or swamp land fund, as the case may be.

Extension of time not to apply to state lands.

SEC. 3. Section sixty-five of chapter eighteen of the revised statutes, is hereby amended by adding thereto the words following, to wit: But such extension of time shall not apply to taxes assessed upon any state, school, university or swamp lands situated within the limits of said town or city, a certified list of which the town or city treasurer of such town or city shall return to the county treasurer the same as if no extension of time had been made.

Tax limited.

SEC. 4. The county treasurer of such county shall not be compelled, at the time fixed by law for the payment of the state tax to the state treasurer, to pay a larger amount than when added to the amount of the de-

linquent taxes so returned on state, school, university and swamp lands will make up the full amount of state tax charged to such county; *Provided*, that the said county treasurer, at the time of making payment of the state tax into the state treasury, shall file with the state treasurer a statement, verified by affidavit, of the amount of such delinquent taxes so returned to said county treasurer; and, *Provided further*, that the county treasurer of such county be required to make a final settlement with the state treasurer at the time fixed for making the return to the state, mentioned in the first section of this act, at which time the said county treasurer shall pay the full amount then justly due the state from such county. Proviso.

SEC. 5. All acts and parts of acts, in so far as they contravene the provisions of this act, are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 22, 1859.

[*Published February* 23, 1859.]

CHAPTER 25.

AN ACT to amend chapter thirty-seven of general laws of 1858, entitled "An act to fix the compensation of witnesses attending upon legislative committees."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter thirty-seven of general laws of 1858, is hereby amended so as to read as follows: The compensation of all witnesses who, at the present session of the legislature, have attended or who shall hereafter attend upon the joint standing committee for investigation at this or any subsequent session of the legislature, or any other legislative committee, is hereby fixed at two dollars a day for attendance, and ten cents per mile, one way, for travel to attend such committee. Witnesses upon legislative committees. Per diem and mileage.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1859.

[*Published February* 25, 1859.]

CHAPTER 26.

AN ACT to amend section four, of chapter eighteen, of the general laws of 1858, entitled "An act to provide for the publication and distribution of the laws of Wisconsin concerning the organization and government of towns."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. So much of section four of chapter eighteen of the general laws of 1858, as requires the superintendent of public property to send "at the special request of some member of the legislature," by express, for distribution, the laws concerning the organization and government of towns, be and the same is hereby repealed.

Laws—to whom delivered.

SEC. 2. The laws referred to in the act to which this is amendatory, shall be delivered to the members of the present legislature by the superintendent of public property in the proportion designated in said act, to be distributed by them in the several towns of this state, at their discretion.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1859.

[*Published February* 25, 1859.]

CHAPTER 27.

AN ACT to amend subdivision 2, of section 25, of chapter 19, of the revised statutes, relating to the assessment of highway taxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendments.

SECTION 1. Subdivision two, of section twenty-five, of chapter nineteen, is hereby amended so that wherever the word "three" occurs in said subdivision, it shall in lieu thereof be read "one"

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1859.

[*Published February* 25, 1859.]

CHAPTER 28.

N ACT to amend chapter 15 of the revised statutes, entitled "of towns and town officers."

The people of the State of Wisconsin, represented in enate and Assembly, do enact as follows:

SECTION 1. There shall be elected in each of the rganized towns in this state four justices of the peace, wo of whom shall be elected at each annual town meeting, who shall hold their offices for two years from and fter the first Monday of May succeeding their election, xcept when elected to fill a vacancy in office occurring efore the expiration of the legal term of two years, and hen elected to fill a vacancy they shall hold only during he unexpired portion of such term; and the justices of he peace now in office shall continue and remain therein ntil the term for which they were elected shall expire. No. of justices of the peace —term of service.

SEC. 2. Sections 100, 101, 102, 103 and 104, of chaper 15 of the revised statutes, are hereby repealed.

SEC. 3. This act shall take effect immediately, and ive copies thereof for each member of the Senate and Assembly shall be printed immediately on its passage by he state printer for the use of said members.

Approved February 23, 1859.

[*Published February* 25, 1859.]

CHAPTER 29.

AN ACT to amend chapter 152 of acts (*of acts*) of a general nature of 1858, approved March 17th, 1858, and being a part of chapter 18 of revised statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five, of chapter one hundred and ifty-two, of acts of a general nature of 1858, approved May 17th, 1858, and being a part of chapter 18, of the revised statutes, is hereby repealed. Section repealed.

SEC. 2. Nothing in this act contained shall be so construed as to in any manner affect any of the provisions of said chapter 152, except said section five.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1859.

[*Published February* 25, 1859.]

CHAPTER 30.

AN ACT relating to the state tax unpaid by the county of Kewaunee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Tax cancelled

SECTION 1. All state tax remaining due and unpaid from the county of Kewaunee is hereby released, discharged, and cancelled, and the said county is hereby discharged from the payment of the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1859.

[*Published March* 2, 1859,]

CHAPTER 31.

AN ACT to amend chapter 95 of the general laws of 1858, incorporated in chapter 183 of the revised statutes, entitled "An act to amend chapter 28 of the general laws of 1853, entitled 'An act for the preservation of game.'"

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

How amended

SECTION 1. Chapter 95, of the general laws of 1858, incorporated in chapter 183 of the revised statutes, entitled "An act to amend chapter 28 of the general laws of 1853, entitled 'An act for the preservation of game,'" is hereby amended by striking out the word "November," wherever it occurs in said chapter, and inserting the word "October." Also, by striking out all after the word 'Act,' in the third line from the bottom of section one, of said chapter, and inserting in lieu thereof "shall be subject to a fine for each and every such offence of not less than one dollar, nor more than ten dollars, to be recovered in the manner provided in section 3, of chapter 28, of the general laws of 1853.

Penalty.

SEC. 2. This act shall take effect and be in force from d after its passage and publication.
Approved February 26, 1859.

[*Published March* 2, 1859.]

CHAPTER 32.

N ACT to authorize the state superintendent to apportion school money to the town of Theresa, in Dodge county.

The people of the State of Wisconsin, represented in enate and Assembly, do enact as follows:

SECTION 1. The state superintendent of public struction is hereby authorized and required to appor- on to the county of Dodge, one hundred and fourteen ollars and seventy-five cents, in addition to the regular pportionment for the year one thousand eight hundred nd fifty-nine. Apportionment of school money.

SEC. 2. The treasurer of the county of Dodge is ereby authorized and required to apportion to the town f Theresa the sum of one hundred and fourteen dollars nd seventy-five cents, in addition to the regular appor- onment to said town for the year one thousand eight undred and fifty-nine. Same.

SEC. 3. This act shall take effect and be in force om and after its passage.
Approved February 26, 1859.

[*Published March* 2, 1859.]

CHAPTER 33.

N ACT to repeal section 53, of chapter 23, of the revised statutes, entitled "of common schools."

The people of the State of Wisconsin, represented in enate and Assembly, do enact as follows:

SECTION 1. Section fifty-three of chapter 23 of the evised statutes of the state of Wisconsin, is hereby epealed.

SEC. 2. This act shall take effect and be in force rom and after its passage.
Approved February 26, 1859.

[*Published March* 3, 1859.]

CHAPTER 34.

AN ACT to amend chapter seventy-nine of the revised statutes, entitled "Of railroads."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

In case of sale

SECTION 1. Section thirty-eight of chapter seventy-nine of the revised statutes is hereby repealed.

SEC. 2. In case of any sale of any railroad, or of any portion of any railroad, with its appurtenances, property, right of way, franchises, and privileges, or any of them, under and by virtue of any trust deed or mortgage, now executed, or that may be hereafter executed, upon the same, such sale, when made in accordance with the provisions contained in such trust deed or mortgage, shall be absolute, unless the said company, or any subsequent encumbrancer, shall, within one year from and after the date of such sale, redeem said railroad and property so sold, by paying or depositing the amount of the purchase money on such sale, and the cost of such sale, and the interest thereon, at the rate of ten per cent. per annum, with the trustee or party making the sale, or with the court in which the decree ordering said sale is entered; and any such sale shall not be required to be made in accordance with any other law of this State for the sale of real estate under the foreclosure of mortgages, or otherwise.

May redeem.

Value of improvements to be paid.

SEC. 3. The party so redeeming shall pay to the purchaser or purchasers at such sale, the value of all substantial and necessary improvements made by such purchaser or purchasers after the sale, whether in the further construction of said road, or for the better use and enjoyment of the same, with interest thereon, as hereinbefore provided, within sixty days after the value of such improvements has been agreed upon between the parties interested. And in case they cannot agree, the same shall be determined by three commissioners, who shall be competent engineers, and who shall be appointed by the chief justice of the Supreme Court, on the application of either party interested, on ten days notice of such application.

In case of disagreement.

Duty of commissioners.

SEC. 4. It shall be the duty of such commissioners, immediately after their appointment, to proceed to ascer-

tain and appraise the value of such improvements, under oath, in such manner and upon such testimony as they may deem proper, and with all possible dispatch to report the result of their deliberation, together with all evidence taken by them, to the clerk of the court where the decree of sale was entered; and in case the sale is made by virtue of any provision in such trust deed or mortgage, such determination and report shall be filed with the clerk of the supreme court. The decision of any two of such commissioners, so filed, shall be final and conclusive between the parties, as to the amount to be paid for such improvements.

Decision to be conclusive.

SEC. 5. Upon depositing the sum of money named in such report with the clerk of the circuit or supreme court, as the case may be, the person so redeeming shall be entitled to the full possession, enjoyment, and occupancy of said road.

Possession how gained.

SEC. 6. The provisions of sections two, three, four and five of this act, in so far as they authorize any redemption after the sale of any railroad or any portion thereof, with its appurtenances, shall not be applicable to any mortgage heretofore executed by the Chicago, St. Paul and Fond du Lac Railroad Company, but the sale of the railroad of said company, when made in accordance with the provisions contained in any trust deed or mortgage now a lien upon the same, shall be absolute and final.

Application of this act.

SEC. 7. This act shall take effect and be in force from and after its passage.

Take effect.

Approved March 1, 1859.

[*Published March* 3, 1859.]

CHAPTER 35.

AN ACT concerning certain actions.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all actions of money demands, of which justices of the peace have jurisdiction, which shall hereafter be commenced in any municipal, county, or circuit court, and in which judgment shall be rendered for the plaintiff, no more costs shall be recovered than would be recoverable in justices' courts, had the action been com-

Certain actions how commenced.

Jurisdiction. menced in justices' courts. But the provisions of thi section shall not extend to actions commenced in the cir cuit court wherein real estate shall be attached, nor t actions wherein the amount claimed by the plaintiff i his complaint on oath shall exceed the sum of one hun dred dollars, although the amount recovered by sud plaintiff shall be less than one hundred dollars.

Take effect. SEC. 2. This act shall be printed by the state printe immediately after its passage, and shall then take effect

Approved March 1, 1859.

[*Published March* 3, 1859.]

CHAPTER 36.

AN ACT to repeal chapter one hundred and twenty-three of the gen eral laws of 1858, entitled "An Act to increase the civil jurisdic tion of the county court of Pierce County."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Repealed. SECTION 1. Chapter one hundred and twenty-three of the general laws of 1858, entitled "An act to increase the [civil] jurisdiction of the county court of Pierce county," is hereby repealed : *Provided*, that all judgments heretofore rendered by said court, and all orders, decrees and proceedings heretofore made or had in said court shall be as valid and binding in all respects as though this act had not passed ; and all such judgments, orders, and proceedings, as well as all such other judgments and proceedings as may be rendered or had in said court prior to the first day of March, 1859, may be enforced by said court in the manner now provided by law, and for that purpose the jurisdiction and powers of said court are hereby continued in full force, notwithstanding the repeal of said chapter one hundred and twenty three aforesaid : *Provided*, further, that all actions and proceedings of every nature which may be pending in said county court and undetermined on the first day of March, 1859, shall be considered and deemed to be pending in the circuit court in and for said county of Pierce, and the said circuit court is hereby authorized and required to take jurisdiction of all such actions and proceedings, and to hear, try, and determine the same, in all respects as though the same had been commenced in such circuit court. And it is hereby made the duty of the judge of

Proviso.

Actions pending.

said county court to certify all actions and proceedings that may be pending in said county court and undetermined on said first day of March, 1859, to the said circuit court; and such certificate shall be sufficient evidence to authorize said circuit court to take jurisdiction of, and try and determine all such actions and proceedings.

Certificate to be evidence.

SEC. 2. This act shall take effect and be in force from and after its passage.

Take effect.

Approved March 1, 1859.

[*Published March* 4, 1859.]

CHAPTER 37.

AN ACT in addition to chapter eighty-six of the Revised Statutes, entitled "Of alienation by deed, of the proof and recording of conveyances, and the cancelling of mortgages."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Deeds executed within this state, of lands or any interest in lands therein, owned by a corporation created under the laws of this state, shall be signed by the president or other authorized officer of the corporation, sealed with the seal of the corporation, and countersigned by the secretary or clerk thereof; and the person signing such deed may acknowledge the execution the reof before any officer authorized by law to take acknowledgements; and every such deed shall be admitted to record in the same manner and with like force and effect as if the same had been executed in conformity with the provisions of chapter eighty-six of the revised statutes, entitled "Of alienation by deed, of the proof and recording of conveyances, and the cancelling of mortgages."

Deeds, how signed.

Acknowledged.

How recorded

SEC. 2. This act shall be published immediately, and shall take effect and be in force from and after its publication.

Take effect.

Approved March 2, 1859.

[*Published March* 7, 1859.]

CHAPTER 38.

AN ACT to amend chapter fifty-three of the general laws of 1858 incorporated in chapter eighty of the revised statutes, entitled "An Act for the formation and protection of county agricultural societies."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

How amended

SECTION 1. Sections four and five of chapter fifty three, of the general laws of 1858, incorporated in chapter eighty of the revised statutes, entitled "An act for the formation and protection of county agricultural societies," approved April 19, 1858, are hereby amended by striking out the words "first day of November," wherever they occur in said sections, and inserting the words, "thirty-first day of December."

What societies to receive money from state.

SEC. 2. All county agricultural societies that have received into their treasury one hundred dollars in cash, and that have also held a county fair in the year 1858, and have made any report of same, to either of the officers or places required to be done by said chapter fifty-three, shall be entitled to, and received the one hundred dollars each, for the year 1858, notwithstanding any informality as to time or manner in making their reports; and the proper officers are hereby directed to audit and pay the same.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1859.

[*Published March* 7, 1859.]

CHAPTER 39.

AN ACT to repeal chapter one hundred and two of the general laws of 1858, entitled "An Act to provide for the instruction of the deaf, dumb and blind, within this state," approved May 15, 1858.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

What repealed.

SECTION 1. Chapter one hundred and two, of the general laws of 1858, entitled "An act to provide for the instruction of the deaf, dumb and blind, within this state," approved May 15th, 1858, is hereby

repealed, and so much of any act as was repealed by the provisions of the above mentioned act is hereby revived. What revived.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 4, 1859.

[*Published March* 7, 1859.]

CHAPTER 40.

AN ACT to change the time for holding the terms of the circuit court in certain counties of the Eighth Judicial Circuit.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The circuit courts in the following named counties of the Eighth Judicial Circuit shall be holden at the time hereinafter mentioned, to wit: In the county of Chippewa, on the first Monday in March, and the first Monday in September, in each year: In the the county of Eau Claire, on the second Monday of March, and the second Monday of September, in each year: In the county of Dunn, on the third Monday in March, and the third Monday in September, in each year: In the county of Pepin, on the fourth Monday in March, and the fourth Monday in September, in each year: Terms, when held.

SEC. 2. All writs, recognizances, and other proceedings made returnable to the circuit court of any of said counties, shall be considered and deemed to be returnable to the terms of such court as are fixed by this act, and all continuances and notices, made or taken to any term of the circuit court of any of said counties, shall be deemed to be made or taken to the terms of such court as the same are fixed by this act, and all motions and other proceedings noticed to be heard at any regular term of such court, shall be allowed and considered to be noticed for hearing at the regular terms of such court as the same are fixed by this act. Writs, &c., returnable.

SEC. 3. So much of section two, of chapter one hundred and sixteen, of the revised statutes, as conflicts with the provisions of this act are hereby repealed. Repealed.

SEC. 4. This act shall take effect and be in force from and after its passage. Take effect

Approved March 4, 1859.

[*Published March* 8, 1859.]

CHAPTER 41.

AN ACT restoring George Bryant to citizenship.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Restored to citizenship.

SECTION 1. George Bryant, a late convict in the state prison of this state, is hereby restored to citizenship and shall enjoy the same rights and privileges to all intents and purposes which he had and was entitled to before his conviction.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1859.

[*Published March* 8, 1859.]

CHAPTER 42.

AN ACT to amend section one hundred and twenty-nine, of chapter thirteen of the revised statutes, entitled, "Of counties and county officers."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section one hundred and twenty-nine of chapter thirteen of the revised statutes, entitled "Of counties and county officers," is hereby amended by adding at the end of said section the following: *Provided*, no city or town treasurer shall be allowed to pay a larger amount in county orders than he has received in the collection of county taxes, said amount to be determined by the affidavit of such treasurer.

Proviso.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1859.

[*Published March* 8, 1859.]

CHAPTER 43.

AN ACT to amend chapter eighty-five of the general laws of 1858, relating to the division of Marquette county, and the erection of Green Lake county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The judgment records of Marquette county, transcribed by authority of the board of supervisors of Green Lake county, under the provisions of section fourteen of the chapter to which this act is amendatory, and now remaining as a record in the office of the clerk of the circuit court of Green Lake county, shall be of the same validity and have the same force and effect in all particulars as though the said judgments had been originally filed and docketed in Green Lake county. Force and effect of certain records.

SEC. 2. All of the records of Marquette county which now are or may hereafter be transcribed, under the provisions of section fourteen of the chapter to which this act is amendatory, and which transcripts shall have been in the proper offices to which they may belong in Green Lake county, shall be received in evidence and have the same validity, force and effect in all particulars, as though the said records had been originally made in said county of Green Lake. Records received in evidence.

SEC. 3. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 5, 1859.

[*Published March* 7, 1859.]

CHAPTER 44.

AN ACT to authorise the Commissioners of School and University Lands to remit penalties in certain cases.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In cases where the principal or interest for the year eighteen hundred and fifty-nine, due on School, University and Swamp lands, or lands selected in lieu of Swamp lands, or upon loans of money from the School, University or Drainage Fund, shall not have Penalties remitted

been paid within the time now required by law, the commissioners of school and university lands, shall remit the penalty required to be paid by section fifty-nine of chapter twenty-eight of the revised statutes: *Provided*, payment of such interest, together with interest at the rate of seven per cent. per annum on such interest from the fifth day of March, A. D. 1859, to the time of payment shall be made, on or before the fifth day of June, A.D. 1859; and *provided, further*, that this act shall apply to the present year only.

Proviso.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1859.

[*Published March* 24, 1859]

CHAPTER 45.

AN ACT for the removal of the county seat of Crawford county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Vote for removal.

SECTION 1. That at the next general election, to be held in the county of Crawford in this state, the qualified electors of said county shall be, and they are hereby authorized to vote for the removal of the county seat of said county, from Prairie du Chien to the south-east quarter of the north-west of section sixteen, (16,) township number nine,(9,) north,of range number five, (5,) west, which last named place is hereby fixed as the point to which it is hereby proposed to remove said county seat; and if a majority of all the votes cast upon that subject at such election be in favor of such removal, then the said south-east quarter of the north-west quarter of section sixteen, (16,) township number nine, (9,) north, of range number five, (5,) west, shall be the permanent county seat of said county.

To what point

Election—how conducted.

SEC. 2. The votes cast on the subject of said removal of the county seat as above provided, shall be by ballot, said ballot shall have written or printed on them, or partly written and partly printed the words, "For the removal of the county seat to the south-east quarter of the north-west quarter of section sixteen, (16,) township number nine, (9,) north, of range number five, (5,) west," or the words, "Against removal of county seat to the south-east quarter of north-west quarter of section

sixteen, (16,) township number nine, (9,) north, of range number five, (5,) west, said ballots shall be deposited by the inspectors of election in a separate box to be by them provided for that purpose.

SEC. 3. At the close of the polls the said votes shall be publicly canvassed by the inspectors of election in the several towns, who shall respectively draw up a statement in writing, setting forth in words at full length, the whole number of votes given for the removal of county seat to the south-east quarter of the north-west quarter of section sixteen, (16,) township number nine, (9,) north, of range number five, (5,) west, and the whole number of votes given against the removal of the county seat to the south-east quarter of the north-west quarter of section sixteen, (16,) township number nine, (9,) north, of range number five, (5,) west, and shall cause a duplicate copy thereof to be made, which statement and duplicate copy they shall certify to be correct, and one of such statements shall forthwith be delivered to the clerk of the board of supervisors of said county, and shall be thereafter canvassed, certified, and the result ascertained and declared by the same officers as provided by law for canvassing, certifying and ascertaining the result of elections for county officers. Votes canvassed and returned.

SEC. 4. In case a majority of the votes so as aforesaid canvassed, shall be for removal of county seat to the south-east quarter of the north-west quarter of section sixteen, (16,) township number nine, (9,) north, of range number five, (5,) west, then and in that case, the county seat of said county shall be at the said south-east quarter of the north-west quarter of section sixteen, (16,) township number nine, (9,) north, of range number five, (5,) west, otherwise said county seat shall be and remain at Prairie du Chien. Location of county seat.

SEC. 5. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 5, 1859.

[*Published March* 10, 1859.]

CHAPTER 46.

AN ACT to authorize the formation of Town Insurance Companies.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Companies, how formed.

SECTION 1. It shall be lawful for any number of persons, not less than twenty-five, residing in any town in this State, who collectively shall own property of not less than twenty-five thousand dollars in value, which they desire to have insured, to form themselves into a company for mutual insurance against loss or damage by fire, which corporation shall possess the usual powers and be subject to the usual duties of corporations, and the corporate name whereof shall embrace the name of the town in which the business office of said company shall be located.

Directors and officers.

SEC. 2. Every company so formed shall choose of their number not less than five nor more than nine directors, to manage the affairs of such company, who shall hold their office for one year and until others are elected; and such directors shall choose one of their number president and one as secretary.

Record, how kept.

SEC. 3. The directors of such company shall file their articles of association, together with a cpoy of their by-laws and the names of the officers of such company, in the clerk's office of the town in which the office of such company is located, and shall keep a record of their proceedings in a book to be kept for that purpose, together with the names of all persons insured, and the amount each person is insured; which record shall be kept open for the inspection of all the members of such company, from the hours of nine o'clock, A. M. to four o'clock, P. M. of each secular day, the established holidays excepted.

Policies how issued.

SEC. 4. The directors of such company may issue policies signed by the president and secretary, agreeing in the name of the company to pay all damages which may be sustained by fire, for a term not exceeding five years, by the holder of such policies, not exceeding the sum named in said policy, and which shall not exceed the sum of two thousand dollars in any one risk.

Undertaking given.

SEC. 5. Every person so insured shall give his undertaking, bearing even date with the policy so issued to him, binding himself, his heirs, and assigns, to pay his *pro rata* share to the company, of all losses by fire which

may be sustained by any member thereof, and every such undertaking shall, within five days after the execution thereof, be filed by the secretary of such company, in the office of the clerk of the town in which the office of said company is located, and shall remain on file in such office, except when required to be produced in court as evidence. He shall also, at the time of effecting insurance, pay such per centage in cash, and such reasonable sum for a policy as may be required by the rules or by-laws of the company.

To be filed.

Per centage paid.

SEC. 6. Every member of such company who may sustain loss or damage by fire, shall immediately notify the president of such company, or in case of his absence, the secretary thereof, who shall forthwith convene the directors of such company, whose duty it shall be, when so convened, to appoint a committee of not less than three nor more than five members of such company, to ascertain the amount of such loss; and in case of the inability of the parties to agree upon the amount of such damages, the claimant may appeal to the judge of the county court of such county, whose duty it shall be to appoint three disinterested persons as a committee of reference, who shall have full authority to examine witnesses, and to determine all matters in dispute, who shall make their award in writing to the president, or in his absence, to the secretary of such company, which award thereon shall be final. The said committee of reference shall each be allowed the sum of two dollars per day for each day's service so rendered, and the sum of five cents for every mile necessarily traveled in the discharge of such duties, which shall be paid by the claimant, unless the award of said committee shall exceed the sum offered by the company in liquidation of such loss or damages, in which case said expenses shall be paid by the company.

Notification of loss by fire.

In case of disagreement.

SEC. 7. The companies formed under the provisions of this act, may classify the property insured at the time of issuing policies thereon, under different rates, corresponding as nearly as may be to the greater or less risks from fire and loss which may attach to each several buildings insured. Whenever the amount of any loss shall be ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of said company, who shall make an assessment upon all the property insured to the amount for which each several piece of property is insured, taken in connection with the rate of premium under which it may have been classified.

Classification of property.

Assessments.

Notice to be given.

SEC. 8. It shall be the duty of the president whenever such assessment shall have been completed, to immediately notify every person composing such company, by letter, sent to his usual post office address, of the amount of such loss, and the sum due from him as his share thereof, and of the time when and to whom such payment is to be made, but such time shall not be less than sixty nor more than ninety days from the date of such notice, and every person designated to receive such money, may demand and receive two per cent. in addition to the amount due on each assessment as aforesaid, for his fees in receiving and paying over the same.

Time.

Fees.

Suits in case of neglect.

SEC. 9. Suits at law may be brought against any member of such company, who shall refuse or neglect to pay any assessment made upon them by the provisions of this act, and the directors of any company so formed, who shall wilfully neglect or refuse to perform the duties imposed upon them by the foregoing sections of this act, shall be liable in their individual capacity to the person sustaining such loss.

What property insured.

SEC. 10. No company formed under this act shall insure any property out of the limits of the town in which the office of the company is located, nor shall they insure any property other than detached dwellings and their contents, and farm buildings and their contents; nor shall they insure any property within the limits of any incorporated city of this state.

Directors, how and when chosen.

SEC. 11. The directors of each company so formed shall be chosen by ballot at the annual meeting thereof, which shall be held on the first Tuesday of January in each year, and every person shall have one vote for each two hundred dollars which he may be insured, but no person shall be allowed to vote by proxy at such election.

Duty of secretary.

SEC. 12. It shall be the duty of the secretary of every company as aforesaid, to prepare a statement showing the condition of such company on the day preceding their annual meeting, which statement shall contain the amount insured, the number of policies issued, and to whom, and the amount insured by each policy, and all other matters pertaining to the interests of such company, which statement shall be filed in the office of the town clerk, in which said company may be located, on or before the fifteenth day of January in each year, and which statement shall also be read to the members of said company at their annual meeting.

Members may withdraw.

SEC. 13. Any member of such company may withdraw therefrom at any time, by giving notice in writing to the

president, or in his absence, to the secretary thereof, and paying his share of all claims then existing against said company; and the directors or a majority thereof shall have power to annul any policy by giving notice in writing to that effect to the holder thereof. Policies annulled.

SEC. 14. Non-residents of any town in this state, owning property therein, may become members of any company founded under this act, and shall be entitled to all rights and privileges appertaining thereto, except that it shall not be lawful for such non-resident to become a director of said company, unless he be at the time of such membership a resident of a town adjoining the town in which said company has been formed under the provisions of this act. Non-residents rights of.

SEC. 15. The company so formed may adopt such by-laws for its regulation as are not inconsistent with the provisions of this act, and may therein prescribe the compensation of its officers. By-Laws.

SEC. 16. No company formed under this act shall continue for a longer term than thirty years. Limit of corporation.

SEC. 17. This act shall take effect and be in force immediately after its passage. Take effect.

Approved March 8, 1859.

[*Published March* 11, 1859.]

CHAPTER 47.

AN ACT to amend chapter twenty-nine (29) of the revised statutes authorizing the Governor to make certain surveys.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever there is no money in the treasury belonging to the swamp land fund, the expenses of surveys of swamp and overflowed lands, and the expenses of the examination of records in any of the land offices in the state, which in the judgment of the executive of the state are necessary to be made in regard to such swamp and overflowed lands, shall be paid out of the general fund. Expenses of surveys, how paid.

SEC. 2. All accounts for services in surveying swamp and overflowed lands and for services in examining records, as provided by this act, shall be audited by the secretary of state. How audited.

Governor to appoint agents.

SEC. 3. The governor is hereby authorized to appoint such agents as he may deem necessary to examine the records, plats, and surveys of swamp and overflowed lands in the several land offices in this state, to aid in ascertaining and determining the right of this state in and to said swamp and overflowed lands; and he is hereby also authorized to appoint one or more agents to select lands in lieu of swamp and overflowed lands which have been sold by the general government, when the general government shall formally concede the right of the state to select lands in lieu thereof as aforesaid.

Money appropriated.

SEC. 4. There is hereby appropriated a sum of money sufficient to pay the expenses authorized by this act, to be paid as said expenses shall be incurred, out of any money in the state treasury not otherwise appropriated.

Reimbursed.

SEC. 5. Any money drawn from the general fund under the provisions of this act, shall be reimbursed to the same from the swamp land fund as soon as funds are realized from the sale of swamp lands.

Take effect.

SEC. 6. This act shall take effect and be in force from and after its passage and publication, and shall continue in force until the first day of January, A.D. 1860, only.

Approved March 8, 1859.

[*Published March* 9, 1859.]

CHAPTER 48.

AN ACT to provide for the removal of the county seat of Marquette County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

County seat removal to be voted upon.

SECTION 1. At the annual election to be held on the first Tuesday of April, 1859, the legal voters of the county of Marquette shall be and are hereby authorized to vote upon the question of the removal of the county seat of said county from its present location, on the south-east quarter of section twenty-five, town sixteen, range nine east, to the south-east quarter of section ten, town sixteen, range nine east, it being the village of Harrisville, which said village is hereby fixed as the point to which it is proposed to remove said county seat; and if a majority of all the votes cast on that subject at such election shall be in favor of such removal, then the said

village last aforesaid shall be the permanent seat of said county.

SEC. 2. The votes cast upon the said question as above provided, shall be by ballot, which shall have written or printed upon them, or partly written or partly printed, the words "For removal to Harrisville," or the words "Against removal to Harrisville;" and said ballots shall be deposited by the supervisors of said election in a separate box, to be by them provided for that purpose. Election, how conducted.

SEC. 3. The said votes shall be counted, canvassed, returned, and certified in the same manner as is provided by law for counting, canvassing, returning and certifying the votes of county officers, and the clerk of the board of supervisors of said county shall record the result of such election in the book of record of the proceedings of said board, and shall immediately transmit a certified copy of such record to the Secretary of State, who shall file and preserve the same in his office. Votes canvassed and returned.

SEC. 4. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 8, 1859.

[*Published March* 11, 1859.]

CHAPTER 49.

AN ACT to fix the time for holding terms of the circuit court in the county of Walworth.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Terms of the circuit court shall hereafter be held in each year, in and for the county of Walworth, at the times following: A term commencing on the first Tuesday of January; a term commencing on the third Monday of March; a term commencing on the second Tuesday of July; and a term commencing on the third Monday of September, but no jury shall be summoned for the January or July terms. Courts, when held.

SEC. 2. The said court at each of said terms shall be held for so many days, and may be adjourned from time, as the judge holding the same may deem necessary.

SEC. 3. Any law appointing any term or terms of the circuit court in and for said county at any other time or times than is herein provided, is hereby repealed. Repealed.

Take effect.

SEC. 4. This act shall take effect and be in force upon its passage and publication.

Approved March 9, 1859.

[*Published March* 11, 1859.]

CHAPTER 50.

AN ACT in relation to the payment of state tax in the counties of Douglass and La Pointe.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Relating to the state tax.

SECTION 1. The counties of Douglass and La Pointe shall not incur the penalty provided by law, for non-payment of state taxes, at the time required by law, provided the said counties shall pay to the state treasury the amount due from them respectively, on or before the second Monday of July, in each and every year.

Penalty remitted.

SEC. 2. The penalty of twenty-five per cent. imposed upon said counties for delinquency in the payment of the state tax for the year 1858, is hereby remitted.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1859.

[*Published March* 11, 1859.]

CHAPTER 51.

AN ACT to fix the time for holding courts in the Tenth Judicial Circuit, and summoning jury therein.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time of holding courts.

SECTION 1. The circuit courts in the tenth judicial circuit shall be holden as follows: In the county of Brown, on the fourth Mondays of January and May, and the first Monday of October, of each year. In the county of Winnebago, on the second Monday of April, the second Monday of September, and the second Monday in

December, in each year. In the county of Outagamie, on the third Mondays in January and June, and the second Monday in November, in each year. In the county of Oconto, on the second Monday in May, and the fourth Monday in October, in each year.

Relating to grand juries in certain cases.

SEC. 2. No grand jury shall be drawn or summoned to attend at the January term in the county of Brown, or the September term in the county of Winnebago, unless ordered by the judge of said circuit, nor shall grand or petit jurors be drawn or summoned to attend the January term in the county of Outagamie, unless ordered for such terms by the judge of said circuit. When so ordered, as aforesaid, the jurors shall be drawn, summoned and empanneled as is now provided by law and the provisions of this act.

Venire, when returnable.

SEC. 3. The venire for the grand jury in said circuit shall be returnable at eleven o'clock in the forenoon of the first day of the term, and the venire for the petit jury in said circuit shall be returnable at eleven o'clock in the forenoon of the second day of the term, and the jurors shall be summoned accordingly.

Recognizances in criminal cases.

SEC. 4. All recognizances in criminal charges entered into before any justice of the peace, or other person in said circuit, authorized by law to take the same, shall be made returnable at the term to be holden in the proper county next succeeding the entry thereof, at which a grand jury is required to attend, except in appeal cases from any justice of the peace or other officer within said circuit, when the recognizances shall be returnable to the next succeeding term in the proper county.

When returnable.

SEC. 5. All writs, venires, process, proceedings and recognizances, heretofore issued, commenced, made or entered into, or which may be issued, commenced, made, or entered into, in or from said courts, or either of them, and all proceedings pending therein, or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times named in this act for holding the said courts respectively.

Repealed.

SEC. 6. All acts or parts of acts contravening or conflicting with the provisions of this act, are repealed so far as they contravene and conflict with the provisions of this act.

SEC. 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1859.

[*Published March* 16, 1859.]

CHAPTER 52.

AN ACT relating to the Dane County Court.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Jurisdiction of court.

SECTION 1. There is hereby conferred upon the county court of Dane county jurisdiction in all civil actions both as to matters of law and equity, equal to and commensurate with the circuit court of this State within the county of Dane, and the said county court shall exercise the same powers and jurisdiction within the county of Dane, as is now exercised by the circuit courts of this State, in all civil actions; *Provided*, that in all actions for money or property the jurisdiction of said county court shall not exceed five thousand dollars.

Proviso.

Court of record.

SEC. 2. The said county court shall be a court of record, with a clerk and seal, and shall have full power and authority to issue all legal process, proper and necessary to carry into effect the jurisdiction given to it by this act and the laws of this State; and to carry out such jurisdiction, shall have and exercise all the powers usually possessed by courts of record under the common law, and in equity under the regulations imposed by statute.

Clerk, duties of.

SEC. 3. The clerk of the circuit court of said county shall be clerk of said county court, and shall have the custody and care of all the books and papers belonging to said county court, and shall perform the duties of clerk of the said county court in the same manner as now required of him by law as clerk of said circuit court, so far as it shall be necessary and requisite to discharge the necessary duties as clerk of said county court, and to carry into effect the provisions of this act, and the said clerk of the county court shall keep all necessary record of the proceedings and judgments had in said county court, in like manner as is now provided in the circuit court in all civil proceedings; and his fees and compensation therefor shall be the same as are now, or may hereafter be, provided by law for the fees and compensation of the clerks of the circuit court.

Fees.

Authority of said court.

SEC. 4. Said county court shall have like power to issue all necessary and proper writs in all civil actions or proceedings as is now possessed or hereafter may be possessed by the circuit courts of this State, and the same proceeding shall be had by parties to procure such

writs, as in the circuit courts of this State, and every writ and process issuing out of said court shall be titled in the name of the judge thereof, and shall be issued, executed and returned in the same manner and with like effects as in the circuit courts.

Relating to civil actions.

SEC. 5. All the general provisions of the statutes of Wisconsin, which now exist, or may hereafter exist relating to the proceeding in civil actions in the circuit courts of this State, and to the powers and duties of courts of record, shall apply in like manner and with like effect to said county court as to said circuit court, and the judge of said county shall have power to punish contempts in the same manner that the judge of the circuit courts are or may be authorized by law to punish contempts. The rules of practice in said county courts shall be the same as in the circuit courts of this State, as they now exist, or shall hereafter be provided for said circuit courts in civil actions.

Rules and practice.

Seal.

SEC. 6. The county court of Dane county shall continue to use the present seal of said court: *Provided*, that whenever it shall be necessary, the judge of said county may procure at the expense of the county a new seal for said court.

Proviso.

Books and stationery.

SEC. 7. The county of Dane shall provide all books, blanks, and stationery necessary for keeping the records and proceedings of said county court.

Appeal, &c.

SEC. 8. The parties to actions shall have the same rights to writs of error and appeal from said county court to the supreme court of this State, as are now allowed by law from the circuit courts of this State.

Proceedings in case of appeal.

SEC. 9. From and after the taking effect of this act, all appeals in civil actions from justices of the peace, in said county of Dane, may be taken to said county court at the election of the appellant, instead of the circuit court of said county, as now provided by law; and the like proceedings therein shall be had in the county court, and such appeal shall be tried and determined therein in the same manner as is by law required in the circuit courts; and all laws providing for taking appeals from justices courts of said county to the circuit courts thereof, shall from thenceforth be construed to mean to read to the said county court equally as well as to the said circuit court.

Petit jurors.

SEC. 10. A panel of petit jurors for each term of said court shall be drawn in the same manner as now is or hereafter shall be provided by law for the circuit court of said county; and the persons serving on such panels

of petit jurors shall be paid at the same rate and in the same manner as is now or hereafter shall be provided by law for the payment of jurors in the circuit court of Dane county, and jurors for the trial of issues shall be drawn, empanneled and sworn in the same manner as in the circuit courts of this State, and said county court shall have, exercise and use the same procees for summoning such petit jurors as is now, or may hereafter by law be used by the circuit courts of this State.

Jury terms.

SEC. 11. There shall be two jury terms of said county court, in each year, one of which shall be held on the third Tuesday of February, and the other on the second Tuesday of September.

Special terms

SEC. 12. The judge of said county court shall have the same power to hold special terms and adjourned terms of said county court, as is or hereafter may be conferred upon the circuit courts of this State. Two special terms of said county court shall be held in each year by the judge thereof for the trials of issues at law, for the hearing and trial of causes without a jury, for the hearing of motions, and for the transacting of any and all business that may be done at a regular term, except the trial of issues of fact by a jury, at such times as the said county judge shall designate; and said judge shall within thirty days after the taking effect of this act, publish the times and places of holding said terms, and when designated they shall not be changed for one year thereafter, and at such terms the issues of law and motions, trials of issues of fact without a jury, and all other business above specified in this section may be heard, determined and disposed of with the same force and effect, as at a general term of said court.

Time and place of holding same.

Fees of county judge.

SEC. 13. It shall be the duty of the county judge to keep an account of all fees for orders by him made at chambers in civil cases, and to render an account thereof to the county treasurer quarterly, and it shall be the duty of the clerk of the circuit court to keep an account of all fees in cases pending in the county court now by law taxable for the use of the county judge in civil cases, and shall also render an account thereof to the county treasurer quarterly, and there shall also be levied a tax of one dollar, which shall be paid to the clerk at the commencement of each civil action, which tax and all fees collected by the said clerk or judge shall be paid quarterly into the county treasury, and form a separate fund to be applied to the payment of the salary of the county judge; said tax of one dollar and all other fees now by law taxable

to the county judge shall be taxed in the bill of costs, and recoverable as other costs of suit.

SEC. 14. Costs shall be taxed in the county court for Dane county, in the same manner and in the same extent as in the circuit court. Costs taxed.

SEC. 15. The judge of the said county court of Dane county shall receive the sum of fifteen hundred dollars per annum, payable quarterly by the county treasurer of said county, upon the certificate of the clerk of the circuit court, which sum shall be in full for all compensation for his services under this act: *Provided*, that this shall not be construed so as to deprive the said county judge from receiving fees as heretofore for probate business. Salary of judge. Proviso.

SEC. 16. The judge of said county court shall not have power to try and determine any cause in which he shall be interested, or in which he shall have acted as counsel for either party, except by agreement of the parties; and in all cases where said judge shall be a party, or shall have been counsel for either party, he shall transmit the cause to the circuit court of said county, certifying the reasons as aforesaid, and the circuit court shall thereupon proceed to try and determine the same in the same manner and order as if it had originated in the circuit court. When judge is interested in suit. Action in such case.

SEC. 17. This act shall take effect and be in force from and after its publication. To take effect.

SEC. 18. Chapter seventy-six of the session laws of A. D. 1857, and all the acts and parts of acts contravening the provisions of this act are hereby repealed. Repealed.

Approved March 9, 1859.

[*Published March* 11, 1859.]

CHAPTER 53.

AN ACT to amend Chapter four of revised statutes, entitled "of Senate and Assembly Districts."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fifth subdivision of that part of section two, of chapter four, of the revised statutes relating to the county of Dodge, is hereby amended so that it will read as follows: "The towns of Burnett, Beaver Dam, Westford, and the city of Beaver Dam, shall constitute an Assembly District." How amended

Take effect. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1859.

[*Published March* 12, 1859.]

CHAPTER 54.

AN ACT to change the time of holding terms of the circuit court of Sauk county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Terms, time of holding. SECTION 1. From and after the passage of this act, the terms of the circuit court shall be held in the county of Sauk, as follows, viz: On the last Tuesday in August and last Tuesday of January, of each and every year.

Writs, &c. made returnable. SEC. 2. All writs, recognizances and other proceedings made returnable to the circuit court of said county of Sauk, shall be deemed and considered to be returnable to the terms of said court as the same are fixed by this act; and all continuances and notices made or taken to any term of said court, shall be deemed to be made or taken to the terms of said court as the same are fixed by this act, and all notices and other proceedings noticed to be heard at any regular term of such court, shall be deemed and considered to be noticed for hearing at the regular terms of such court, as the same are fixed by this act.

Repealed. SEC. 3. So much of all laws as contravene the provisions of this act is hereby repealed.

Take effect. SEC. 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1859.

[*Published March* 12, 1859.]

CHAPTER 55.

AN ACT to provide for holding special terms of the circuit court in the county of La Fayette.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Special terms. SECTION 1. There shall be held by the judge of the circuit court in the fifth judicial circuit, two special terms

in the county of La Fayette, for the hearing and trial of issues of law, for the hearing and trial of causes without a jury, for the hearing of motions and transacting of any and all business that may be done at a regular term, except the trial of issues of fact by a jury; said special terms to commence on the first Monday of January, and on the second Monday of July, in each year. When held.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1859.

[*Published March* 12, 1859.]

CHAPTER 56.

AN ACT to amend an act entitled "An act to authorize the commissioners of school and university lands to remit penalties in certain cases," approved March 5, 1859.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That section one of said act is hereby amended by striking out from the first proviso the following words: "Together with interest at the rate of seven per cent. per annum on such interest from the fifth day of March to the time of payment." Amendment.

SEC. 2. Nothing in this act, or the act to which it is amendatory, shall be so construed as to prevent any forfeiture "pursuant to" the provisions of section fifty-eight, chapter twenty-eight, revised statutes. Construction of this act.

SEC. 3. This act shall be in force from and after its passage.

Approved March 10, 1859.

[*Published March* 14, 1859.]

CHAPTER 57.

AN ACT to repeal section 1, of chapter 182, of the revised statutes, entitled "Of offences cognizable before justices of the peace."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one (1) of chapter one hundred and eighty-three of the revised statutes, entitled "of of- Amendment.

fences cognizable before justices of the peace," is hereby so amended that it shall read "any person arrested upon warrant issued by a justice of the peace, charged with an assault and battery, may be tried before such justice, and the suit shall be conducted and tried in the manner provided by law, for the trial of criminal cases before justices of the peace; *Provided*, that in no case shall the justice proceed to try any such person until the person assaulted has had sufficient notice to enable him to be present at such trial; *Provided further*, such persons can be found within the jurisdiction of such justice.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1859.

[*Published March* 12, 1859.]

CHAPTER 58.

AN ACT concerning Railroad Companies operating their roads.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Relating to track.

SECTION 1. No railroad company, or other body or person by the direction, authority or consent of such company, shall take up or remove, or cause to be taken up or removed, any part of the iron track laid upon any part of the line of any railroad, so as to stop, prevent or hinder the running or operating of the same, except in so far as may be necessary from time to time to make immediate repairs thereon, without first obtaining authority so to do by special statutory enactment; *Provided*, that this act shall not be construed so as to prevent such company or other body or person from straightening or changing their track; such alteration not to change the general line of the established track, or discommode the original termini or stations; and in case any railroad company or other body or person shall commence the taking up or removal, or threaten the taking up or removal, of any such track, contrary to the prohibition contained in this section, such company, body, or person may, upon the complaint of any resident freeholder of this state, be restrained from so doing by injunction or injunctional order, granted in like manner as in other cases where such injunction or injunctional orders are authorized by law.

Proviso.

SEC. 2. This act shall be printed by the state printer immediately after its passage, and when so printed, shall take effect and be in full force. Take effect.

Approved March 10, 1859.

[*Published March* 14, 1859.]

CHAPTER 59.

AN ACT to amend section 12, of chapter 183, of the revised statutes, entitled "of offences cognizable before justices of the peace."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 12, of chapter 183, of the revised statutes, entitled "of offences cognizable before justices of the peace," is hereby so amended as to read as follows: No person in this state, except Indians, shall kill any wild buck, doe or fawn, during the months of January, February, March, April, May or June in each year, and any person violating any of the provisions of this section, upon conviction thereof, shall forfeit a sum not more than twenty nor less than five dollars and costs of suit for the first offence, and not more than thirty nor less than ten dollars and costs of suit for each subsequent offence. How amended

SEC. 2. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 10, 1859.

[*Published March* 14, 1859.]

CHAPTER 60.

AN ACT supplemental to chapter 117 of the revised statutes, entitled "of county courts."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. County judges now in office shall continue in office until the expiration of the term for which they were elected respectively, and each and every county judge hereafter elected, shall hold and continue in office for and during the term of four years from and after the first day of January next after his election, and until his successor is elected and qualified; *Provided*, that when Term of office Proviso.

a vacancy in such office shall be filled either by election or appointment, the person elected or appointed shall hold during the unexpired term only.

County courts

SEC. 2. County courts and the office of county judge shall continue to be established in this state in all respects as the same were on the last day of December, A. D. 1858, and county judges and county courts shall exercise all the powers and jurisdiction conferred upon them respectively by the revised statutes.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1859.

[*Published March* 14, 1859.]

CHAPTER 61.

AN ACT to amend section 19, of chapter 114, of acts of a general nature of 1858, entitled "an act relating to the public printing."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section nineteen of chapter one hundred and fourteen of acts of a general nature of 1858, is hereby amended by adding thereto the following words, to wit:

Proviso.

Provided, that no greater compensation shall be allowed for publishing the general laws in any newspaper, except the state paper, than that provided by section thirty-two of chapter six, of the revised statutes.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1859.

[*Published March* 12, 1859.]

CHAPTER 62.

AN ACT to amend an act entitled "An Act relating to the publication of the Revised Statutes," approved May 17, 1858.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section six of an act entitled "An act relating to the publication of the revised statutes," approved May 17, 1858, is hereby amended so as to read

as follows: Upon the completion and delivery of the entire ten thousand copies as before provided, upon the presentation of the receipt of the superintendent of public property that they are so delivered and accepted by the governor, attorney general, and state treasurer, the secretary of state shall audit the entire account for furnishing the statutes, in accordance with the contract price, and draw his warrant upon the state treasurer therefor.

Completion and delivery.

Amount to be audited.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1859.

[*Published March* 15, 1859.]

CHAPTER 63.

AN ACT to amend section 17, chapter 10, of the revised statutes, entitled "of state officers."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sub-division 7, in section 17, of chapter 10 of the revised statutes, is hereby amended by adding to the end of said sub-division the words, "and shall also certify to the state treasurer the names of all judges, officers, or other persons whose salaries are provided for by permanent appropriation to be paid from the state treasury, specifying the office and the term for which they were elected or appointed, and in case of vacancy in any office aforesaid by removal, resignation or otherwise, he shall certify the same to the state treasurer, immediately upon receiving official information of the fact.

How amended

SEC. 6. This act shall take effect and be in force from and after its passage and publication.

Take effect.

Approved March 11, 1859.

[*Published March* 15, 1859.]

CHAPTER 64.

AN ACT to amend chapter 134 of the general laws of 1858, entitled "An Act concerning testimony."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Testimony in certain cases.

SECTION 1. In all actions wherein any corporation shall be a party, the adverse party may be examined as a witness in his or her own behalf upon the trial of the same, by giving such notice as is required by section three of the chapter to which this act is amendatory, and in all actions upon obligations or evidences of debt of any kind whatsoever, executed to any corporation or company, the person by whom the same was executed, may be a witness in his own behalf, upon giving notice as aforesaid whether such action be in the name of such corporation or company, or in the name of the assignee thereof.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1859.

[*Published March* 14, 1859.]

CHAPTER 65.

AN ACT to fix the time for holding circuit courts in Waukesha county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Court term.

Law term.

SECTION 1. The circuit courts in the county of Waukesha shall be held on the fourth Monday of March, and the first Monday in December, in each year; and a law term for the transaction of all business that may be transacted without a jury, on the second Monday in June.

Take effect.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 11, 1859.

[*Published March* 15, 1859.]

CHAPTER 66.

AN ACT to repeal section fourteen (14) of chapter one hundred and ninety-one (191) of the revised statutes, concerning the time when the revised statutes shall go into operation, and the repeal of the acts and parts of acts enumerated therein.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourteen (14) of chapter one hundred and ninety-one (191) of the revised statutes, concerning the time when the revised statutes shall go into operation, and the repeal of the acts and parts of acts enumerated therein, is hereby amended so as to read as follows: All laws contained in this revision of the statutes shall apply to, and be in force and effect in each and every city in this state so far as the same are applicable, and not inconsistent with the charter of any such city. Amendment. Force and effect of laws.

SEC. 2. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 11, 1859.

[*Published March* 15, 1859.]

CHAPTER 67.

AN ACT to amend chapter 152 of acts of a general nature of 1858, being a part of chapter 18, of the revised statutes, entitled "of the assessment and collection of taxes."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections one and two of the laws of general nature of 1858, being part of chapter 18, of revised statutes, is hereby repealed. All interest money or penalty heretofore charged against and collected of any county in this state under the provisions of section one of said chapter 152, shall be refunded by the state to such county, on application of the county for the payment back of the same. Repealed. Money refunded.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 11, 1859.

[*Published March* 14, 1859.]

CHAPTER 68.

AN ACT to organize the county of Shawano for judicial purposes.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

When organized.

SECTION 1. From and after the first day of January next, the county of Shawano shall be fully organized for judicial purposes, and shall enjoy all the rights and privileges appertaining to other counties so organized in this state.

Term.

SEC. 2. In said county one term of the circuit court shall be holden annually, at the county seat thereof, on the first Monday of March.

Writs, &c. returnable.

SEC. 3. All writs and proceedings shall issue and be made returnable as required by law in other counties, and laws now in force applicable to the summoning and empannelling of jurors shall have force in said county of Shawano.

Suits removed to said court.

SEC. 4. All actions, suits and complaints at law and in equity, all cases of appeal and certiorari, all criminal cases and all manner of judicial proceedings whatsoever, cognizable before the circuit court, having arisen in said county of Shawano, and having been either commenced as an original action in or removed by appeal, or by writ of certiorari to the circuit court of Outagamie, and now pending in said court, or hereinafter commenced as an original cause of action or removal by appeal, or by writ of certiorari to the circuit court of the county of Outagamie, prior to the first day of January next, and undetermined on that day, shall be removed to the circuit court of the county of Shawano, and prosecuted to final judgment therein.

Election, of officers.

SEC. 5. The qualified electors of the county of Shawano shall at the next general election elect a sheriff, clerk of the court and district attorney for said county, who shall hold their offices for the term of two years from the first day of January, 1860. A county judge shall also be elected for said county on the first day of January, 1860, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. At the elections authorized by this section, the votes given for such offices shall be returned and canvassed in the same manner as votes are returned and canvassed in other organized counties of this state.

Of county judge.

Returns made

SEC. 6. The question of the organization of said county of Shawano for judicial purposes, shall be submitted to a vote of the qualified electors of said county, at the election to be held on the first Tuesday of April next, at the usual places of holding elections in said county; at which election each elector qualified to vote for county officers may deposit with the inspectors a ballot, on which shall be written or printed the words "for organization," or "against organization;" and the said election shall be conducted, and the votes canvassed and returned in the same manner as the votes cast for county officers are canvassed and returned; and if a majority of the votes cast upon the question at said election shall be for organization, then this act shall have full force and effect, and the said county of Shawano shall be fully organized for judicial purposes on and after the first day of January next; but if a majority of such votes shall be against organization, then this act shall have no force or effect whatever.

Submission of question.

Election, how conducted.

Result—its effect.

SEC. 7. This act shall take effect from and after its passage and publication.

Take effect.

Approved March 11, 1859.

[*Published March* 16, 1859.]

CHAPTER 69.

AN ACT to annex a part of the county of Fond du Lac to the county of Green Lake.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Township number sixteen, north, of range number fourteen, east, embracing the territory of the town and city of Ripon, is hereby detached and set off from the county of Fond du Lac, and attached and annexed to the county of Green Lake.

What detached.

SEC. 2. This act is hereby submitted to a vote of the people of Fond du Lac county, in the manner following: that is to say, on the Tuesday next succeeding the first Monday in November next, an election shall be held in the several towns and wards in said county, at which election any qualified elector of said county may vote "for detaching Ripon," or "against detaching Ripon," on a separate ballot written or printed, to be deposited in a box used only for such ballots: such election shall be

Submission of question.

Election how conducted.

held in the several towns and wards during the same hours of the day as the election which is held for other purposes on that day, and the votes of the towns and wards severaly, and of the whole county, shall be canvassed in the same manner as the votes for state senator are canvassed in Fond du Lac county, and said canvass when so made shall be recorded by the clerk of the board of supervisors of said county in his office, and a certified copy of the same shall be forthwith forwarded by said clerk to the secretary of state to be filed in his office.

Notice, how given.

SEC. 3. The sheriff of Fond du Lac county is hereby authorized and required to give notice of the election mentioned in the preceding section, by publishing a notice of the same for at least three weeks previous to said election, in at least two weekly newspapers of said county.

Result, its effect.

SEC. 4. If a majority of all the votes cast at such election in said county on this subject, shall be "for detaching Ripon," then this act shall be in full force and effect from and after the first day of December, 1859.

Take effect.

SEC. 5. This act is hereby declared to be a public act, and it shall take effect and be in force from and after its passage.

Approved March 11, 1859.

[*Published March* 16, 1859.]

CHAPTER 70.

AN ACT to repeal chapter 285 of the general laws of 1857, entitled "an act to authorize certain counties to aid in the construction of the Milwaukee and Horicon railroad," approved March 6th, 1857.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. Chapter 285 of the general laws of 1857, entitled "an act to authorize certain counties to aid in the construction of the Milwaukee and Horicon railroad," approved March 6th, 1857, is hereby repealed.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1859.

[*Published March* 14, 1859.]

CHAPTER 71.

AN ACT relating to trials in courts of record.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. At any time after issue joined in any civil action in a court of record of this state, either party may bring the same on for trial at any term of court at which the same is triable, by giving notice of trial at least ten days before such term of court. The party giving the notice shall furnish the clerk at least four days before the court with a note of issue, containing the title of the action, the names of attorneys, and the time when the last pleading was filed, and the clerk shall thereupon enter the cause upon the calendar according to the date of the issue; *Provided*, however, if the party giving such notice shall fail to furnish the clerk with such note of issue as above required, the court at its discretion may place such cause upon the calendar for trial.

Suits, brought to trial.

Notice given.

Proviso.

SEC. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Take effect.

Approved March 11, 1859.

[*Published March* 11, 1859.]

CHAPTER 72.

AN ACT to provide for filling vacancies in the office of Sheriff.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In case of vacancy in the office of sheriff of any county from any of the causes enumerated in section 2, of chapter 14, of the revised statutes, the governor is hereby authorized to appoint some suitable person to fill such vacancy, and such person so appointed shall immediately qualify as now provided by law, and when so qualified he shall possess all the powers, perform all the duties, and be subject to all the liabilities and penalties imposed by law upon a sheriff duly elected and qualified.

In case of vacancy.

Appointment and qualification.

Repealed. SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Take effect. SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1859.

[*Published March* 16, 1859.]

CHAPTER 73.

AN ACT to change the name of the "House of Refuge" to that of the "State Reform School."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Change of name. SECTION 1. The name of the "House of Refuge" of this state, located at Waukesha, is hereby changed to that of "State Reform School," by which latter name it shall hereafter be known in all courts and places.

Take effect. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1859.

[*Published March* 16, 1859.]

CHAPTER 74.

AN ACT to amend an act entitled "an act to change the name of Frank Edward Sherman to Frank Edward Bontello," approved March 31, 1856.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Change of name. SECTION 1. Section one of said act is hereby amended as follows, to wit: Strike out "Frank Edward Bontello," and insert "Frank Edward Bontelle," and section two of said act is hereby amended as follows, to wit: Strike out "Robert Bontello" and "Mary Bontello," and insert "James M. Bontelle" and "Lucy Ann Bontelle."

Take effect. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1859.

[*Published March* 17, 1859.]

CHAPTER 75.

AN ACT to exempt libraries from attachment and sale for debt.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. No debtors' library or any part thereof shall be liable to seizure by virtue of any attachment, execution or any process issued from any court of this state, or from any court of the United States. The provisions of this act shall not apply to circulating libraries. Exemption from seizure.

SEC. 2. The provisions of this act shall extend and apply to all process hereinafter issued for the collection of any debts or liability incurred after or before the passage of this act. Application.

SEC. 3. So much of section thirty-one of chapter one hundred and thirty-four of the revised statutes, as conflicts with the provisions of this act, is hereby repealed. Repealed.

SEC. 4. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 11, 1859.

[*Published March* 17, 1859.]

CHAPTER 76.

AN ACT to repeal an act entitled "an act to amend chapter two of the revised statutes," entitled "of the division of the state into counties, and their boundaries," approved February 3, 1859.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. An act, entitled "an act to amend chapter two of the revised statutes," entitled "of the division of [the state into] counties and their boundaries," approved February 2, 1859, is hereby repealed. Repealed.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 11, 1859.

[*Published March* 14, 1859.]

CHAPTER 77.

AN ACT conferring civil jurisdiction on the county court of Monroe county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Jurisdiction conferred.

SECTION 1. There is hereby conferred upon the county court of Monroe county, jurisdiction in all civil actions, both as to matters of law and equity, equal to and commensurate with the circuit court within the county of Monroe, for all sums not exceeding five hundred dollars; and said county court shall exercise the same powers and jurisdiction within the county of Monroe as are now exercised by the circuit court in and for said county, in civil actions within the above mentioned limits.

To be a court of record, &c.

SEC. 2. The said county court shall be a court of record, with a clerk and seal, and shall have full power to issue all legal process proper and necessary to carry into effect the jurisdiction granted by this act, and the laws of this state, and to carry out such jurisdiction shall have and exercise all the powers usually possessed by courts of record under the common law and in equity, under the regulations imposed by statute.

Clerk, duties of.

SEC. 3. The clerk of the circuit court of said county shall be the clerk of said county court, and shall have the custody and care of all the books and papers belonging to said county court, and shall perform the duties of clerk of said county court, in the same manner as now required of him by law as clerk of said circuit court, so far as shall be necessary and requisite to discharge the necessary duties as clerk of said county court, and to carry into effect the provisions of this act. And said clerk shall keep all necessary records of the proceedings and judgments had in said county court, in like manner as now provided in the circuit court, in all civil proceedings. And his fees and compensation therefor, shall be the same as are now or may hereafter be provided by law for the fees and compensation of the clerk of the circuit court.

Fees.

Powers in civil actions.

SEC. 4. Said county court shall have like power to issue all necessary and proper writs and process in all civil actions and proceedings as is now exercised or may hereafter be exercised by the circuit courts of this state, and the same proceedings shall be had by parties to procure

such writs or process as in the circuit courts of this state, and every writ or process shall be titled in the name of the judge thereof, and shall be issued, executed and returned in the same manner and with like effect as in the circuit court.

General provisions.

SEC. 5. All the general provisions of the statutes of Wisconsin which now exist or may hereafter exist, relating to the proceedings in civil actions in the circuit courts of this state, and to the powers and duties of courts of record shall apply in like manner, and with like effect to said county court as to said circuit courts; and the judge of said county court shall have the same power to punish contempts, as the judges of the circuit courts are now or may hereafter be authorized by law to punish for contempts. The rules of practice in said county courts, shall be the same as in the circuit courts of this state, as they now exist or may hereafter exist by law, in civil actions in said circuit courts.

Rules of practice.

Seal.

SEC. 6. The county court of Monroe county shall continue to use the present seal of said court; *Provided*, that whenever it shall be necessary, the judge of said court may procure a new seal for said court at the expense of the said county.

Books and stationery.

SEC. 7. The county of Monroe shall provide all books, blanks, and stationery necessary for keeping the records and proceedings of said court.

Rights of parties.

SEC. 8. Parties to actions shall have the same rights to writs of error and appeal from said county court to the supreme court of this state, as are now allowed by law from the circuit courts of this state.

Appeals, how taken.

SEC. 9. From and after the taking effect of this act all appeals in civil actions from judgments of justices of the peace in said county of Monroe, may be taken to said county court, at the election of the appellant, instead of the circuit court of said county, as now provided by law. And the like proceedings therein shall be had in said county court, and such appeals shall be heard, tried and determined therein in the same manner as is by law required in circuit courts. And all laws providing for taking appeals from justices courts of said county to the circuit court thereof, shall from thenceforth be construed to mean, and read to the said county court, equally as well as to the said circuit court.

Petit jurors.

SEC. 10. A panel of petit jurors for each term of said court, shall be drawn in the same manner as now is, or hereafter shall be provided by law for the circuit court of said county. And the persons serving on such panels of

petit jurors, shall be paid at the same rate, and in the same manner as is now or hereafter may be provided by law for the payment of jurors in the circuit courts, and jurors for the trial of issues shall be drawn, empaneled and sworn in the same manner as in the circuit courts of this state, and said county court shall have, exercise and use the same process for summoning such petit jurors, as is now or may hereafter by law be used by the circuit courts of this state.

Jury terms.

SEC. 11. There shall be two jury terms of said county court in each year, one of which shall be held commencing on the second Tuesday of July, and the other on the second Tuesday of January.

Special terms

SEC. 12. The judge of said county court shall have the same power to hold special terms and adjourned terms of said court, as is or hereafter may be conferred upon the circuit courts of this state. Two special terms of said county courts shall be held in each year by the judge thereof, for the trial of issues at law, for the trial and hearing of causes without a jury, for the hearing of motions, and for the transaction of any and all business that may be done at a regular term, except the trial of issues of fact by a jury, at such times as the said county judge shall designate, and said judge shall within twenty days after the taking effect of this act, publish the times and places of holding such special terms, and when designated they shall not be changed for one year thereafter, and at such terms the issues of laws and motions, trials of issues of fact without a jury, and all other business above specified in this section, may be heard, determined and disposed of with the same force and effect as at a general term of said court.

Tax, for what purpose.

SEC. 13. On each civil suit in the county court there shall be levied a tax of one dollar, which shall be paid to the clerk at the time of the commencement thereof, which tax so levied shall be paid into the county treasury, and form a separate fund to be applied to the payment of the salary of the county judge; said sum of one dollar shall be taxed in the bill of costs, and recovered as other costs of suits.

Costs.

SEC. 14. Costs shall be taxed in the county court of Monroe county, in the same manner and to the same extent, as in the circuit court.

Salary.

SEC. 15. The judge of the said county court of Monroe county, shall receive the sum of five hundred dollars "per annum," payable quarterly by the treasurer of said county, which sum shall be a full compensation for all his

services under this act; *Provided*, that this shall not be construed so as to deprive the said county judge from receiving fees as heretofore for probate business. Proviso.

SEC. 16. The judge of said county court shall have no power to try, hear or determine any cause in which he shall or may be interested, or in which he shall have acted as counsel for either party, except it be by the agreement of the parties; and in all cases where said judge shall be a party, or shall have been interested as counsel for either party, he shall transmit the cause to the circuit court of said county, certifying the reasons as aforesaid, and the circuit court shall thereupon proceed to try and determine the same, in the same manner and order as if it had originated in the circuit court. Transmission of suits.

SEC. 17. All acts and parts of acts contravening the provisions of this act are hereby repealed. Repealed.

SEC. 18. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 11, 1859.

[*Published March* 22, 1859.]

CHAPTER 78.

AN ACT to provide for the removal of the county seat of Buffalo county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the annual election to be held on the first Tuesday in April, A. D. 1859, the legal voters of the county of Buffalo shall be and are hereby authorized to vote upon the question of the removal of the county seat of said county, from upper Fountain City, to the north half of the north-west quarter of section twenty-two (22), town twenty-three (23), range (11), in said Buffalo county, which said north half of the north-west quarter of section 22, town 23, range 11, is hereby fixed as the point to which it is proposed to remove said county seat; and if a majority of all the votes cast on that subject at such election be in favor of such removal, then on the said north half of the north-west quarter of section 22, town 23, range 11 aforesaid, shall be the permanent county seat of said county. Vote, to be taken.

SEC. 2. The votes cast upon the said question as above provided, shall be by ballot, which shall have Ballots.

written or printed upon them, or partly printed upon them, the words "for removal to the north half of the north-west quarter of section 22, town 23, range 11," or the words "against removal to the north half of the north-west quarter of section 22, town 23, range 11;" and said votes shall be deposited by the inspectors of said election in a separate box, to be by them provided for that purpose.

How canvassed and returned.

SEC. 3. The said votes shall be counted, canvassed, returned and certified to in the same manner as is provided by law for counting, canvassing, returning, and certifying the votes for county officers; and the clerk of the board of supervisors of said county shall record the result of said election in the book of records of the proceedings of said board, and shall immediately transmit a certified copy of said record to the secretary of state, who shall file and preserve the same.

Right to challenge, &c.

SEC. 4. The provisions of chapter eighty-five of general laws of 1857, entitled "An act to preserve the purity of elections," are hereby made applicable to the election herein provided for, and at such election any elector of any town of said county may have and exercise the right of challenging any vote or votes at the poll in any other town in said county, who shall offer to vote upon the question of the removal of the county seat as above provided for.

Take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 11, 1859.

[*Published March* 18, 1859.]

CHAPTER 79.

AN ACT to amend section two of chapter one hundred and thirty-seven of the general laws of 1858, entitled "An act relating to the exemption of homesteads from forced sale on execution, or other final process."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

How amended

SECTION 1. Section two (2) of chapter one hundred and thirty-seven (137), of the general laws of 1858, entitled "An act relating to the exemption of homesteads from forced sales on executions or other final process," is hereby amended by adding to said section the words

"*Provided*, that nothing in this chapter shall affect laborers' or mechanics' liens."

SEC. 2. This act shall take effect and be in force from and after its passage. **Take effect.**

Approved March 11, 1859.

[*Published March* 18, 1859.]

CHAPTER 80.

AN ACT to amend chapter twenty-two of the general laws of 1859, approved February 19th, 1859, entitled "An act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter twenty-two of the general laws of 1859, approved February 19, 1859, entitled "An act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof," is hereby amended by striking out in the first sentence of said section four, the following words, to wit: "If the time for the return of unpaid taxes to the county treasurer of any county shall be fixed by law on any other day than the first day of February," and inserting instead thereof the following words, to wit: "If the time for the return of unpaid taxes to the county treasurer of any county, shall be fixed by law on any day subsequent to the last day of January in any year, or if in accordance with the provisions of law the time for the return of unpaid taxes to the county treasurer of any county, shall in any year be extended in any county, town or city, to any day subsequent to the last day of January." **How amended**

SEC. 2. This act shall be in force from and after its passage. **Take effect.**

Approved March 11, 1859.

[*Published March* 18, 1859.]

CHAPTER 81.

AN ACT to change the time for holding the circuit court in the sixth judicial circuit.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time of holding courts.

SECTION 1. The circuit court in the following named counties in the sixth judicial circuit of the state of Wisconsin shall be holden at the times hereinafter mentioned, instead of the times now provided by law, viz: in the county of Clark, on the first Monday of September and the third Monday of May, of each year; in the county of Jackson, on the second Monday of September and the fourth Monday of May, of each year; in the county of Buffalo, on the second Monday of October and the second Monday of April, of each year; in the county of Monroe, on the third Monday of October and the third Monday of April, of each year; in the county of Bad Ax, on the fourth Monday of October and the first Monday of May, of each year; in the county of La Crosse, on the second Monday of November and the second Monday of March, of each year; and in the county of Trempeleau, on the first Monday of December and the first Monday of March, of each year.

Process, &c. returnable.

SEC. 2. All process, proceedings, and recognizances heretofore commenced, issued or taken, or which may be commenced, issued, or taken in or from said courts or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times named in this act as the times for holding the said courts respectively.

Take effect.

SEC. 3. All acts contravening the provisions of this act are hereby repealed; and this act shall take effect and be in force from and after the first day of July next.

Approved March 11, 1859.

[*Published March* 19, 1859.]

CHAPTER 82.

AN ACT to provide for the more effectual punishment of certain offences.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any person hereafter shall be convicted of any criminal offence, and sentenced to imprisonment in the county jail for a term exceeding six days, the court may also sentence such person to be kept at hard labor during the term of his or her imprisonment, either within or without the jail, as hereinafter provided. **Sentence, discretionary.**

SEC. 2. The labor thus to be performed shall be appropriate to the sex and physical condition of the convict, and under the direction of the board of supervisors of the county, who may adopt such orders, rules, and regulations in relation thereto as they may deem best, and the sheriff or other officer having the custody of such convicts shall be governed thereby, and it shall be the duty of the sheriff of the county to collect and pay into the treasury of the county the amount of the avails of the labor of such convicts, and take the treasurer's receipt therefor. **Orders, rules, &c. in relation to labor.** **Compensation**

SEC. 3. For the purpose of enabling the board of supervisors of any county in this state to employ in a profitable manner all persons who may be convicted under the provisions of this act, the county jail in such cases is hereby declared to extend to any stone quarry or quarries, road or roads, or place or places, within the limits of the proper county at which the convicts may be advantageously employed outside of the walls of the prison by the board of supervisors aforesaid. **Extension of jail limits.**

SEC. 4. This act shall take effect and be in force from and after the passage and publication thereof. **Take effect.**

Approved March 11, 1859.

[*Published March* 14, 1859.]

CHAPTER 83.

AN ACT supplemental to chapter 139 of the revised statutes, relating to appeals and writs of error, and proceedings thereon.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

In case of appeal.

SECTION 1. In all cases of appeal from the judgment of a circuit court to the supreme court, if the judgment appealed from direct the abatement or restrain the continuance of a nuisance either public or private, the execution of the judgment shall not be stayed unless an undertaking be entered into on the part of the appellant with at least two sureties in such sum as the court or judge thereof, or court commissioner shall direct, to the effect that the appellant will pay all damages which the opposite party may sustain by the continuance of such nuisance, and if the judgment appealed from direct or restrain the doing of any other particular act or thing, the execution thereof shall not be stayed, unless an undertaking be entered into on the part of the appellant with at least two sureties in such sum as the court, or judge thereof, or court commissioner shall direct, to the effect that the appellant will pay all damages the opposite party may sustain by doing or not doing such act or thing—and in all cases of appeals from such judgments as are mentioned in this section, which have been made or taken since the first day of January A. D. 1859, the appellant or appellants as the case may be, shall comply with the provisions of this act, by having such undertaking as in this section provided, entered into and a copy thereof served upon the opposite party or his attorney within thirty days after the passage of this act, or proceedings on such judgment shall not be stayed, and the appeal shall be dismissed.

Sureties to be given.

Time of service.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its publication.

Approved March 12, 1859.

[*Published March* 19, 1859.]

CHAPTER 84.

AN ACT to remit to the county of Dodge the penalty charged for delinquency in the payment of state tax of 1857.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of four hundred and twenty dollars and fifty-seven cents, the amount of the twenty-five per cent penalty charged to the county of Dodge for the delinquency in the payment of the state tax of the year 1857, on the first day of October, 1858, by the secretary of state in accordance with the provisions of sections one and two of chapter 152 of the general laws of 1858, be and the same is hereby remitted to said county, and the secretary of state and state treasurer are hereby directed to make the necessary entries to the credit of said county. Remission of tax.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 12, 1859.

[*Published March* 16, 1859.]

CHAPTER 85.

AN ACT to provide for the payment of certain accounts for newspapers.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized to audit the accounts of the several newspaper publishers for papers furnished to the legislature during the present session, and to settle such accounts, allowing said publishers at the rates at which said newspapers respectively are furnished to subscribers at the places of publication. Accounts to be audited.

SEC. 2. Such accounts shall be verified by the oath of the persons furnishing the newspapers, that the papers were ordered either by the chief clerk or the person to whom they were sent and furnished, and that the said accounts are just and true as to number and price, as provided in the preceding section of this act. To be verified

SEC. 3. The secretary of state is hereby authorized Appropriation

to draw warrants on the state treasurer in favor of the persons, respectively, to whom such accounts are found due for newspapers; and there is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to pay the same.

Take effect. SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

[*Published March* 19, 1859.]

CHAPTER 86.

AN ACT to amend chapter ninety-four of the revised statutes, entitled "of the sale of lands for the payment of debts, by executors, administrators, and guardians."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

How amended SECTION 1. Section twelve, of chapter ninety-four of the revised statutes, entitled "of the sale of lands for the payment of debts by executors, administrators and guardians," is hereby amended by striking out of subdivision number two of said section twelve, all of the following words—viz: "And that they are not secured by judgment or mortgage upon, or expressly charged on the real estate of the deceased; or if such debts be secured by mortgage or charge on a portion of such estate, then that the remedies of the creditor by virtue of such mortgage or charge have been exhausted."

Take effect. SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1859.

[*Published March* 21, 1859.]

CHAPTER 87.

AN ACT to amend section 59, of chapter 133 of the revised statutes, entitled "of costs and fees."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

How amended SECTION 1. Section 59, of chapter 133 of the revised statutes, entitled "of costs and fees," is hereby amended so that the fees to be paid for publishing any notice or

other order, citation, summons, or any other proceeding or advertisement required by law to be published in any newspaper, shall be not more than sixty cents per folio for the first insertion, and thirty cents per folio for each insertion after the first.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 14, 1859.

[*Published March* 22, 1859.]

CHAPTER 88.

AN ACT concerning mortgages to the State of Wisconsin, on school lands in the city of Racine.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of school and university lands of the state of Wisconsin are hereby authorized and required to extend the time of payment for the term of five years from the first day of January next, of any mortgage to the state of Wisconsin (and of the note or bond given with the same) for any portion of the unpaid purchase money on the sale of any school and university lands in the city of Racine, or mortgages given upon property known as school or university lands situated in said city; *Provided*, that such extension shall only be upon the terms and conditions hereinafter specified. Time extended. Proviso.

SEC. 2. Such extension shall not be given unless some person interested in any such lands mortgaged, shall within three months after any such mortgage become due and payable, pay to the state treasurer all interest due and unpaid thereon, together with the interest thereon up to the first day of January next after such extension, and shall also furnish such commissioners with a certificate from proper officer or officers that there are not any unpaid taxes or assessments remaining unpaid thereon, except taxes, the collection of which has been enjoined; or any outstanding tax titles thereon. Conditions of extension. Taxes, &c.

SEC. 3. Such extension of any mortgage as aforesaid, shall be only upon the express condition, that the interest on such mortgage and the note or bond accompanying the same shall thereafter be paid annually in advance between the first day of January and the fifth day of March in each year, and shall also at the time of payment of Interest when paid.

such interest in each year as aforesaid, furnish the commissioners with the certificate or certificates from the proper officer or officers, that all taxes and assessments for the preceding year have been paid on such mortgaged land, except enjoined taxes.

Action, on non-payment of interest and taxes.

SEC. 4. If the interest on such mortgage so extended as aforesaid, shall not be paid as aforesaid, or such certificate of payment of any taxes and assessments shall not be furnished as above provided, the whole principal of such mortgage and note or bond accompanying the same shall be due and payable, and any extension that may have been given as above provided for, shall become null and void, and the commissioners of the school and university lands shall at once without any delay take due proceedings for collection of same pursuant to law.

Commissioners to enforce collection.

SEC. 5. The said commissioners shall at once take proper steps to enforce the collection of any of the aforesaid mortgages, the time of payment of which shall not be extended in accordance with the provisions of this law.

Take effect.

SEC. 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1859.

[*Published March* 18, 1859.]

CHAPTER 89.

AN ACT to prevent unauthorized purchases in behalf of the state.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to purchase.

SECTION 1. The state superintendent of public property under the direction and control of the governor, shall contract for and purchase all fuel, furniture, fixtures, carpets, or other article or thing required and to be used in and about the capitol or state offices, in the city of Madison, for state purposes; *Provided*, that purchases of stationery by the superintendent of public property shall be in accordance with the provisions of section two this act, and not otherwise.

Proviso.

Relating to stationery.

SEC. 2. In addition to the stationery procured by the agent appointed by the governor, to purchase stationery, the superintendent of public property is hereby authorized to contract for and purchase such other stationery as shall be required and needful for state purposes, in and

about the capitol and state offices, in the city of Madison; *Provided*, that the whole amount of such purchase of stationery shall not exceed the sum of fifteen hundred dollars for and during any one year; *And provided further*, that the superintendent of public property shall purchase such stationery of the lowest bidder, and to that end shall receive proposals of at least two wholesale stationers for furnishing such stationery, or shall examine the stock of at least two wholesale dealers in stationery for the purpose of making such purchase.

Proviso.

Proposals for lowest terms.

SEC. 3. The superintendent of public property shall disburse and account for the stationery so purchased in the manner provided in sections 8, 9, 10 and 11, of chapter 27, of revised statutes, and in section 15, of chapter 87 of "acts of a general nature," of 1858.

Disbursements.

SEC. 4. No person except the agent appointed by the governor to purchase stationery and the superintendent of public property, as provided in this act, shall in behalf of the state purchase any stationery to be used in and about the capitol or state offices, in the city of Madison. Nor shall any person, except the superintendent of public property, contract for or purchase in behalf of the state any fuel, fixtures, carpets, furniture or other articles or thing (except stationery, as herein provided) to be used in and about the capitol and state offices in the city of Madison, for state purposes, and no contract or purchase purporting to be made with or by such unauthorized person shall constitute any liability on the part of, or indebtedness against the state, and no payment, for or by reason of such alleged purchase or contract, shall be made out of the state treasury.

Authority for purchasing stationery, fuel, &c.

SEC. 5. All claims or demands for payment from the state for fuel, fixtures, carpets, furniture, or other article or thing contracted for or purchased for the use of the state, to be used in and about the capitol and state offices in the city of Madison, shall when presented, be accompanied by a certificate of the person authorized to contract or purchase as herein provided, setting forth that such articles or things were purchased and had for the use of the state, and it shall not be lawful for the committee on claims, of the legislature, to allow and provide for the payment of any such claim or demand, unless it shall be accompanied by such certificate.

Certificates to accompany claims.

SEC. 6. Any person who shall make any contract, or purchase of any articles or things, in violation of the provisions of this act, shall be deemed guilty of a misdemeanor.

Penalty.

Take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 12, 1859.

[*Published March* 22, 1859.]

CHAPTER 90.

AN ACT in relation to affidavits in pursuance of an act of the Legislature of Michigan, entitled "an act concerning mortgages," approved April 19, 1833.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Relating to affidavit.

SECTION 1. Every affidavit made or taken in foreclosing any mortgage by advertisement, under the provisions of the act of the territory of Michigan, entitled "an act concerning mortgages," approved April 19, 1833, which was sworn before and certified by any officer then authorized to take the acknowledgment of deeds, shall be taken and held to have the same force and effect in law as if the same had been sworn before and certified by any of the officers mentioned in that behalf in the 14th section of the said act.

Remedy for illegal affidavits

SEC. 2. Every officer and person who made any affidavit in the course of foreclosure of any mortgage, under the provisions of the act mentioned in the 1st section of this act, which is or may be considered defective or insufficient in substance or form, or for the reason that the same was sworn before or certified by any officer not then authorized to take or certify the same, is hereby authorized to make such affidavit, according to the facts, before any officer authorized by law to take the acknowledgement of deeds, and such officer is hereby authorized and required to take such affidavit, to and subscribe his name to a certificate underneath the same, purporting that the person making such affidavit has appeared before him and made oath or affirmation to the same.

Effect of this act

SEC. 3. Any affidavit made in pursuance of the second section of this act, shall have the same force and effect as if made at the time and under the provisions of the act mentioned in the first section of this act, and all registers of deeds in the proper counties are required to record the same in the manner which was required by the act mentioned in the first section of this act, and the record of every such affidavit shall have the same effect

as if such affidavit had been made, certified and recorded at the time, under the provisions of the said act mentioned in the first section of this act. The true intent and meaning of the second and third sections of this act being to allow the affidavits therein mentioned to be sworn, certified, and recorded *nunc pro tunc* in cases where insufficient or defective affidavits, as herein before mentioned, were sworn, certified and recorded under the provisions of the said act mentioned in the first section of this act, and while the same was in force.

Approved March 14, 1859.

[*Published March* 23 1859.]

CHAPTER 91.

AN ACT to amend certain chapters and sections of the revised statutes, and to make certain corrections thereof.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sections of the revised statutes, viz: section fifty-three of chapter twenty-three, section forty-two of chapter one hundred and thirty-three, and section ten of chapter one hundred and ninety-one, section fifteen of chapter one hundred and fifty-five are hereby repealed. Repealed.

SEC. 2. The following sections of the revised statutes are hereby amended as follows, viz: section one of chapter ninety-seven is amended by striking out the proviso thereto; section thirty-five of chapter one hundred and eighteen, is amended by striking out the words, "which certificate shall be allowed by the board of county supervisors as other demands against said county;" section twenty of chapter one hundred and twenty-two, is amended by striking out the words, "shall have been," and inserting in lieu thereof, the words "should be;" subdivision two of section one of chapter one hundred and twenty-three is amended by striking out the word "protection," and inserting in place thereof, the word "partition;" section four of the last named chapter is amended by inserting the word "foreign," before the word "corporation;" subdivision one of section eleven, of chapter one hundred and twenty-four is amended by inserting after the word "all" where it last occurs, the words "and the separate property of the defendant served;" section Amendments.

thirty of chapter one hundred and twenty-five is amended by striking out the word "respectively," and inserting in place thereof, the word "separately;" section forty-one of chapter one hundred and twenty-five is amended by striking out the word "demurrer," and inserting in the place thereof, the words "answer or;" section twenty-eight of chapter one hundred and thirty-eight is amended by striking out the word "provisions," and inserting in place thereof, the word "provision."

Amendments. SEC. 3. Section one of chapter four of the revised statutes is amended by inserting "Eau Claire" after "Chippewa," so that the county of "Eau Claire" shall constitute a part of the twenty-eighth senate district. Section two of the same chapter is amended by inserting the words "Eau Claire" after "Chippewa," so that the counties of Pierce, Dunn, Pepin, Chippewa, Eau Claire and Clark shall constitute an assembly district; section two of said chapter is further amended by striking out "Jefferson" where it occurs after "Ixonia" and inserting "Watertown," so that the towns of Ashippun and Lebanon in the county of Dodge, and the towns of Ixonia and Watertown in the county of Jefferson, shall constitute an assembly district.

Corrections. SEC. 4. The following corrections are hereby made in the printed volume of the revised statutes, viz: In section nine of chapter one hundred and twenty-five, for "complainant" read "complaint." In subdivision three of section twenty-nine of the last named chapter, for "evidence" read "force;" in section thirty-five of the same chapter for "improved" read "unproved." In section twenty-three of chapter one hundred and twenty-seven, for the word "satisfaction" read "justification." In section ninety-two of chapter one hundred and thirty-three for the word "filed," where it last occurs, read "required." In section five of chapter one hundred and thirty-nine for the word "appeal," where it last occurs, read "order."

Relating to acts of a general nature. SEC. 5. All acts of a general nature passed at the session of the Legislature in the year A. D. 1858, which contravene or are amendatory of any of the provisions of the revised statutes or session laws in force at the time of the passage thereof, are hereby declared to be amendatory of the corresponding provisions incorporated in the revised statutes, approved May 17th, 1858, and said corresponding provisions so amended are hereby declared to be in full force.

How to be construed. SEC. 6. Nothing in section five of this act shall be so construed as to impair, or in any manner effect any act

which has been or may be passed by the Legislature of 1858.

SEC. 7. This act shall take effect and be in force from and after its publication. Take effect.

Approved March 14, 1859.

[*Published March* 24, 1859.]

CHAPTER 92.

AN ACT to appropriate the islands in the Wisconsin river, between a line running parallel with the fourth principal meridian ten miles east thereof, and a line running parallel with said meridian nine miles west thereof, to the Muscoda and Richland Bridge Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the several islands in the Wisconsin river lying between a line running parallel with the fourth principal meridian and nine miles west thereof, and a line running parallel with said ten miles east thereof, be and the same are hereby appropriated to James Moore, Charles Rodolph, and B. M. Coates, as commissioners in trust for the Muscoda and Richland Bridge Company, for the uses and purposes hereinafter mentioned. Islands appropriated. Commissioners.

SEC. 2. The said commissioners are hereby empowered to sell and convey said islands, or so much thereof as may be necessary for the purpose of aiding in the erection and construction of a bridge across the Wisconsin river, at the place designated in the act of the legislature incorporating said company, approved March 5th, 1857, and to execute to the purchasers of the same, sufficient and ample deeds of conveyance in fee simple, and to apply the proceeds of such sale in aid of the erection and construction of the bridge aforesaid: *Provided*, no part or parcel of said islands shall be so sold for a less amount than one dollar and twenty-five cents per acre; and *provided further*, that no amount of the proceeds of such sales shall be applied as aforesaid until said company shall have expended an equal amount, that is to say: whenever said company shall have actually expended the amount of five hundred dollars in the erection and construction of the bridge aforesaid, then said company shall be entitled to an equal amount arising from the proceeds of the sale of the islands aforesaid, and for every additional two hundred dollars actually raised and expended Their powers. Proviso.

Governor to give trust deed.

by said company as aforesaid, they shall be entitled to an equal amount arising from the proceeds aforesaid; and the governor of the state shall, in his official capacity, and in behalf of the state, and under the great seal thereof, execute and deliver to the said commissioners, whenever it shall satisfactorily appear that said bridge is in process of erection and construction, and that a sum not less than five hundred dollars has been actually expended thereon, a trust deed of the lands comprising the islands aforesaid, which deed shall vest in said commissioners the right to sell, convey, and dispose of the same in the manner provided in this act.

Duty of commissioners.

SEC. 3. The said commissioners shall render to said company, whenever they shall demand the same, a strict and accurate account of all moneys by them received in consequence of any sale of the islands aforesaid, or any part or parcel thereof, and all moneys arising from any sale as aforesaid, which shall not be necessary for use in the erection and construction of the bridge aforesaid, and all monies arising from any sale of the islands aforesaid after the completion of said bridge shall be paid by the said commissioners into the state treasury; and said commissioners shall, before any of the rights and powers herein granted shall vest in said commissioners, severally give bonds to the state of Wisconsin, with sureties, to be approved by the governor, in an amount not less than five thousand dollars each, conditioned for the faithful performance of their duties as said commissioners, and the faithful application and disposition of all monies arising out of any sales by them of the islands aforesaid, or any part or parcel thereof, in accordance with the provisions of this act; which said bonds shall be filed within ten days after their execution in the office of the secretary of state; and the said commissioners shall receive no pay for their services as such commissioners out of the fund arising from the sale of said islands or any part thereof.

Sureties.

Take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

[*Published March* 24, 1859.]

CHAPTER 93.

AN ACT to provide for the mode of extending the corporate limits of cities and villages of this state.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporate limits of no incorporated city or village in this state shall hereafter be extended, until the following provisions of this act shall be fully complied with. Declaratory.

SEC. 2. The common council of any city, or the board of trustees of any incorporated village, desiring to extend its corporate limits, shall adopt a resolution expressing the intention to make application to the legislature at its next session, to extend the corporate limits of such city or village, which resolution shall, with reasonable precision, describe the lands or territory which it is proposed to include in such corporate limits, and shall cause such resolution, together with a notice that application will be made to the next legislature, in pursuance thereof, for an act to authorize such city or village to extend its corporate limits in conformity therewith, to be published for at least four consecutive weeks next preceding the day for holding the annual town meeting, in one or more newspapers published in the county in which such city or village is located. Notice of application.

SEC. 3. Accompanying the petition to the legislature for an act to authorize such city or village to extend its corporate limits, there shall be a certificate of the town clerk or the town from which it is proposed to take the additional territory, stating that the resolution and notice provided for in section two of this act was, on the day of the last town meeting, publicly read to said meeting, and a vote taken thereon, and that a majority of the electors present voted in favor of allowing the territory described in said resolution to be set off to such city or village. Certificate of notice.

SEC. 4. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 14, 1859.

[*Published March* 25, 1859.]

CHAPTER 94.

AN ACT to amend and consolidate chapter twenty-two of the revised statutes, entitled "Of academies and normal schools," and chapter 139 of the acts of a general nature of 1858.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. That chapter twenty-two of the revised statutes, entitled "Of academies and normal schools," and chapter one hundred and thirty-nine of the acts of a general nature of 1858, are hereby so amended and consolidated so as to read as follows:

Fund apportioned.

(SEC. 1.) It shall be hereafter the duty of the commissioners of school and university lands to apportion the income of twenty-five per cent. of the nett proceed arising from the sale of swamp and overflowed lands grants to this state by an act of congress, entitled "An act to enable the state of Arkansas and other states to reclaim the swamp and overflowed lands within their limits," approved September twenty-eight, one thousand eight hundred and fifty, to normal institutes and academies as hereinafter provided: *Provided*, that nothing in this section shall interfere with the fund set apart for drainage purposes.

Proviso.

Regents, how appointed.

SEC. 2. For the purpose of more fully carrying out the provisions of this chapter, there shall be a board of nine regents, to be called the "Board of Regents of Normal Schools," no two of whom shall reside in any one county of this state. They shall be appointed by the governor, by and with the approval of the senate. The governor and superintendent of public instruction shall be *ex-officio* members of the said board of regents. The governor shall have power to fill all vacancies which may occur by death, resignation or otherwise, until the next meeting of the legislature, or while the legislature is not in session, but the appointments thus made shall be confirmed by the senate during the next succeeding session of the legislature.

Term of office

SEC. 3. The term of office of all members of the board of regents hereafter to be appointed (except when such appointment is for an unexpired term) shall commence on the first day of January, and shall continue for three years. The board of regents shall be divided into three classes, so that the term of office of one class shall expire in each year.

SEC. 4. The said board of regents shall have authority to make all by-laws and needful rules and regulations necessary for carrying into effect the provisions of this act, not inconsistent with the constitution and laws of this state. The officers of the board shall be a president, vice-president and secretary; they shall severally hold their offices for the term of one year, and untill their successors are elected, and shall perform the duties incident to their several offices. Rules and regulations.

SEC. 5. The board of regents shall hold an annual meeting at the capital of the state, on the second Wednesday of April in each year, or at such time as may hereafter be designated by said board. The said regents shall not receive any compensation for their services, but shall be allowed from the income of the normal fund ten cents per mile for the distance traveled in attending any such meeting on the most direct and usual routes of travel. The secretary shall receive such additional compensation from the said income fund for his services as the regents may designate, not exceeding two dollars and fifty cents per day for the time actually devoted to such services. The mileage of the members of the board, and the *per diem* of the secretary, shall be paid out of the proper fund by the treasurer of the state, on the certificate of the president and secretary of the board, and a sum sufficient therefor is hereby appropriated. Annual meeting. Compensation

SEC. 6. A majority of the board of regents shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. Special meetings of the board of regents may be called by the governor or president of said board, on a petition signed for that purpose by any three members of the board. At all special meetings of the board two-thirds of all the regents shall be necessary to constitute a quorum. Any regent may be removed from office, for cause, by a vote of two-thirds of the board. Special meetings.

SEC. 7. All applications for any of the income of the normal fund, pursuant to the provisions of this act, shall be made to the board of regents of normal schools in such manner as they shall direct, and the school land commissioners shall distribute the income fund specified in section one of this act to such institutions and in such ratio as the board of regents shall designate, and no religious test shall ever be required of any student or scholar in any of the institutions and schools receiving any of the income fund designated in this act. Distribution of fund.

Regents to require evidence, &c.

SEC. 8. The regents shall require of each institution applying for any of the income fund designated in section one of this act, satisfactory evidence, which shall be uniform, that the provisions of this act have been fully complied with. They shall require a report annually, at such time as they shall designate, of the number, age, residence, studies, and number of days' attendance of each pupil or scholar returned to them entitled to the distributive share of said income fund; and they shall make a report of the state and condition of such institution drawing from the income fund to the governor, at the same time that other state officers are required to report. A copy of the proceeding of the board of regents, fully and fairly kept and certified by their president and secretary, shall be filed annually, at the close of each fiscal year of this state, in the office of the secretary of state.

What schools entitled to receive fund.

SEC. 9. Every chartered college or university in this state, in which the usual college course of studies has been established and prosecuted, having corporate property to the amount of fifty thousand dollars above all incumbrances, every female college or seminary having corporate property to the amount of twenty thousand dollars, and every incorporated academy having corporate property to the amount of five thousand dollars, and every union or high school under the control of any city, village, town or district board of commissioners, trustees, or directors having control of the schools in such city, village, town, or district, according to the laws of this state, which shall establish and maintain a normal department in connection therewith, for the education of teachers, shall receive from the income of said fund, in such ratio as the board of regents shall designate.

Agents, how employed.

SEC. 10. The board of regents of normal schools are hereby authorized and empowered to employ such agent or agents as they may find necessary, whose duty it shall be, under the direction of said board, to visit and exercise a supervisory control over the normal department of all such institutions in the state as shall apply to said board for a participation in the normal school fund, also to conduct county teachers' institutions, and give normal instruction in the same, and otherwise cooperate with the superintendent of public instruction in providing a system of public educational addresses, to be delivered in the various counties in the state, and there is hereby appropriated a sum sufficient out of said

Addresses provided for.

normal school fund to defray the expenses of said agency.

SEC. 11. All the income of the fund provided for in section one of this act, after the payment of the expenses of the board and of the agency aforesaid, shall be distributed to the colleges, universities, academies, and union or high schools severally (except the state university,) which shall have established and maintained such separate normal department according to the number of pupils instructed in such studies, and for such a period of time as the board of regents may designate as a qualification or condition for receiving the benefits of this act, until the amount awarded to any one of such institutions shall reach the sum of three thousand dollars annually. Income fund distributed.

SEC. 12. The number of students pursuing the course of studies which may have been designated by the board of regents in the normal department of any college, university, academy, and union or high school receiving the benefit of this act shall be reported to the board of regents, upon the oath of the president or principal and the secretary of the board of trustees of such institution. Reports, how made.

SEC. 13. Warrants of the board of regents, signed by the president and secretary thereof, and countersigned by the secretary of state, shall be drawn on the state treasurer in favor of such institutions for the amount appropriated to them severally, which apportionment shall be made on or before the second Wednesday of April annually. Each institution shall give a receipt, signed by its treasurer, or by the president and secretary of the board of trustees, to the state treasurer, on receiving any of the fund provided for in this act, and the state treasurer is hereby authorized to pay from the fund provided for in the first section of this act all such warrants as are drawn upon him by the president and secretary of said board of regents in accordance with this act. Warrants, how drawn. Receipts given.

SEC. 14. If any person authorized by this act, or by the rules and regulations provided by the board of regents to make report from any normal school of the number of scholars taught therein, shall make any false report of the number of students, the person so offending shall, on conviction thereof, be punished by fine not exceeding two hundred dollars nor less than fifty dollars, or by imprisonment in the county jail not more than six months nor less than one month; and if any person, for Penalty for making false report, &c.

the purpose of enabling any institution to draw any moneys as hereinbefore provided, shall make any false statement relative to the value of the property of such institution, or as to the establishing and maintaining a normal department in connection therewith, the person so offending shall, on conviction thereof, be punished by imprisonment in the county jail not more than one year nor less than six months, and by fine not less than one thousand dollars nor more than three thousand dollars.

Discretionary power.

SEC. 15. Whenever any town, city or village in this State shall propose to give a site and suitable buildings and fixtures for a state normal school, free from all incumbrances, said board of regents may consider the same, and if, in their opinion, the interests of education will be advanced thereby, they may, in their discretion, select from such propositions the one most feasible, and located in such place as is deemed easiest of access, and apportion to the same annually a sum not exceeding three thousand dollars, for the support and maintenance of teachers therein.

Relating to tuition.

SEC. 16. No charge shall be made for tuition to any pupil or scholar in said state normal school, whose purpose is to fit himself as a teacher of common schools in this state; and the number and qualification of scholars, and regulations under which they shall be admitted, shall be determined by the board of regents.

Take effect.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

[*Published March* 24, 1859.]

CHAPTER 95.

AN ACT conferring jurisdiction on the county court of Bad Ax county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Jurisdiction of county court.

SECTION 1. There is hereby conferred upon the county court of Bad Ax county jurisdiction in all civil actions both as to matters of law and equity equal to and commensurate with the circuit court within the said county of Bad Ax, in all sums not exceeding the sum of one thousand dollars, and said county court may exercise the

same powers and jurisdiction within the said county of Bad Ax, as are now exercised by the circuit court in and for the said county in civil action within the above named limits.

SEC. 2. Said county court shall be a court of record, with a clerk and seal, and shall have full power and authority to issue all legal process proper and necessary to carry into effect the powers and jurisdiction hereby given to it; and in order to carry out such jurisdiction shall have and exercise all the powers usually possessed by courts of record under the common law and in equity, under the regulations imposed by the statute. To be a court of record, &c.

SEC. 3. The clerk of the circuit court of said county shall be the clerk of the said county court, and shall have the custody and care of all books and papers belonging to the said county court; and shall perform the duties of clerk of said county court, in the same manner as now required of him by law as clerk of the circuit court, so far as it shall be necessary and requisite to discharge the duties of clerk of said county court, and to carry into effect the provisions of this act; and the said clerk of the county court shall keep all necessary records of the proceedings and judgments had and rendered in said county court in like manner as is now provided in the circuit court in all civil proceedings; and his fees and compensation therefor, shall be the same as are now or may hereafter be provided by law for the fees and compensation of the clerk of the circuit court. Clerk, his duties.

SEC. 4. Said county court shall have like power to issue all necessary and proper writs in all civil actions or proceedings as is now possessed or may hereafter be possessed by the circuit courts of this state, and the same proceedings shall be had by parties to procure such writs as in the circuit courts of this state—and every writ and process issuing out of said court, shall be "titled" in the name of the judge thereof, and shall be issued, executed and returned in the same manner and with like effect as in the circuit courts. Said court, its powers,

SEC. 5. All the general provisions of the statutes of Wisconsin which now exist or may hereafter be made relating to the proceedings in civil actions in the circuit courts of this state, and to the powers and duties of courts of record, shall apply in like manner and with like effect to said county court as to said circuit courts, and the judge of said county court shall have power to punish contempts is the same manner that the judges of the circuit courts are or may be authorized by law to punish Provisions relating to civ actions.

Rules of practice.

for contempts. The rules of practice in said county court shall be the same as in the circuit courts of this state as they now exist with such other rules as may be hereafter made for governing the practice in said circuit courts.

Relating to seal.

SEC. 6. The county court of Bad Ax county shall continue to use the present seal of said court; *Provided*, that whenever it shall be necessary the judge of the said court may procure at the expense of the said county a new seal for said court.

Books and stationery.

SEC. 7. The county of Bad Ax shall provide all books, blanks and stationery necessary for the keeping of the records and proceedings of said county court.

Writs of error

SEC. 8. Parties to actions shall have the same rights to writs of error and appeal from said county court to the supreme court of this state, as are now allowed by law from the circuit courts of this state.

Appeals in civil actions.

SEC. 9. From and after the taking effect of this act, all appeals in civil actions from justices of the peace in said county of Bad Ax, may be taken to said county court at the election of the appellant instead of the circuit court of said county, as now provided by law, and the like proceedings therein shall be had in said county court, and such appeal shall be tried and determined therein in the same manner as is by law required in the circuit courts, and all laws providing for taking appeals from justices courts of said county, to the circuit court thereof, shall from thenceforth be construed to mean and read to the said county court equally as well as to the said circuit court; *Provided*, parties may appeal to either of said courts as they may elect.

Proviso.

Petit juries.

SEC. 10. A panel of petit jurors for each term of said court shall be drawn in the same manner as is now or may hereafter be provided by law for the circuit court of said county, and the persons serving on such panels of petit jurors shall be paid at the same rate and in the same manner as is now or shall be hereafter provided by law for the payment of jurors in the circuit court of said county; the jurors for the trial of issue shall be drawn, empanelled, and sworn in the same manner as in the circuit courts of this state, and the said county court shall have, exercise and use the same process for summoning such petit jurors as is now or may hereafter by law be used by the circuit courts of this state.

Jury terms.

SEC. 11. There shall be two jury terms of said county court in each year, one of which shall be held on the first Monday of March, and the other on the first Monday of September in each year.

SEC. 12. The judge of the said county court shall have the same power to hold special terms and adjourned terms of said county court as is now or may hereafter be conferred upon the circuit courts of this state; two special terms of said county court shall be held in each year by the judge thereof for the trial of issues of law, for the hearing and trial of causes without a jury, for the hearing of motions and for the transacting of any and all business that may be done at a regular term, except the trial of issues of fact by a jury, at such times as the said county judge shall designate. Said judge shall within thirty days after the taking effect of this act, publish the times and places of holding said terms, and when designated, they shall not be changed for one year thereafter, and at such terms the issues of law and motions, trials of issues of fact without a jury and all other business above specified in this section may be heard, determined and disposed of with the same force and effect as at a general term of said court.

Special terms

Notice of terms.

SEC. 13. On each civil suit in the county court, there shall be levid a tax of one dollar, which shall be paid to the clerk at the time of the commencement thereof, which tax so levied shall be paid into the county treasury, and form a separate fund to be applied to the payment of the salary of county judge; said sum of one dollar shall be taxed in the bill of costs and recovered as other costs of suit are recovered and collected.

Tax, for what purpose.

SEC. 14. Costs shall be taxed in the county court of Bad Ax county, in the same manner and to the same extent as in the circuit court.

Costs.

SEC. 15. The judge of the county court shall receive the sum of three hundred dollars per annum, payable quarterly by the county treasurer of said county, out of the county funds, which sum shall be in full for all compensation for his services under this act; *Provided*, that this act shall not be construed so as to deprive the county judge from receiving the fees as heretofore authorized by law for all probate business by him done, in addition to the aforesaid salary.

Salary.

Proviso

SEC. 16. The judge of said county court shall not have power to try and determine any cause in which he shall be interested, or in which he shall have acted as counsel for either, except by the agreement of the parties in writing; and in all cases where the judge shall be a party, or shall have been counsel for either party, he shall transmit the cause to the circuit court of said county, certifying the reasons as aforesaid; and the circuit court shall

Where judge is interested.

thereupon proceed to try and determine the same, in the same manner and order as if it had originated in the circuit court.

Repealed. SEC. 17. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Take effect. SEC. 18. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1859.

[*Published March* 25, 1859.]

CHAPTER 96.

AN ACT to amend chapter 18 of the revised statutes, entitled "of the assessment and collection of taxes."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Failure to raise tax. SECTION 1. Whenever any organized town in this state shall have failed to levy, collect or pay over to the county treasurer of the county in which such town is situated, any state, county or school tax, apportioned to and charged against such town in any year, and now is, or shall hereafter be delinquent for the same, or any part thereof, it shall be lawful and it is hereby made the duty of the board of supervisors of the county in which such town shall be situated in any succeeding year thereafter, to charge over any, and all such delinquent taxes, and a penalty of twenty-five per cent. to the town thus delinquent, and add the same to the amount of the annual or current tax apportioned to such town.

How remedied.

Duty of clerk of county board. SEC. 2. It shall be the duty of the clerk of the board of supervisors to certify such gross amount of tax to the clerk of such delinquent town in the same manner and at the same time as he is now required by law to certify the annual apportionment of taxes as provided in section 56 of the chapter to which this act is amendatory.

Duty of town clerk. SEC. 3. It shall be the duty of the town clerk of such town to calculate and carry out such gross amount of delinquent and current tax, in the manner and at the time now provided by law for carrying out taxes, as provided in section 59 of the chapter to which this act is amendatory.

Penalty for neglect. SEC. 4. Any town clerk who shall hereafter neglect or refuse to calculate and carry out upon the assessment roll, any tax or taxes apportioned to any town and certi-

fied to him by the clerk of the board of supervisors of the county in which such town is situated, and attach a warrant thereto, and deliver the same to the treasurer of his town as provided by law, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than five hundred dollars, nor more than one thousand.

SEC. 5. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 14, 1859.

[*Published March* 25, 1859.]

CHAPTER 97.

AN ACT to remit to Andrew Proudfit a certain sum of money deposited by him with state treasurer.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Andrew Proudfit out of any money in the treasury not otherwise appropriated, the sum of one thousand dollars, being the amount deposited by him with the state treasurer on the 15th day of December, A. D. 1856, in accordance with the provisions of section 6, of chapter 113, of the session laws of 1856. Money appropriated.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 14, 1859.

[*Published March* 25, 1859.]

CHAPTER 98.

AN ACT providing for holding special terms of the circuit court in the counties of La Crosse and Trempeleau, in the sixth judicial circuit.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be held in the counties of La Crosse and Trempeleau, in the sixth judicial circuit, in this state, at least one special term in La Crosse county in each year, which special term shall be held in the county of La Crosse, at some time other than the regular Special term, when held.

term, and at least thirty days before or after the regular term of the circuit court in such counties. Said special term shall be held for the trials of issues of law, for the hearing of motions, and for the hearing and trial of causes without a jury, and for the transaction of any and all business that may be done at a regular term, except the trial of issues of fact by a jury, at such time and place as the circuit judge of the said sixth judicial circuit may designate.

For what purpose.

Notice, how and when giv-

SEC. 2. The said judge of the sixth judical circuit shall immediately in receiving notice of the passage and publication of this act, designate and publish in some newspaper of general circulation in said circuit, the times and places of holding said special terms of court, and when so designated they shall not be changed within two years. And at such terms the issues of law and motions, and all other business that may be transacted thereat, pending in any and every county in said circuit, may be heard and disposed of with the same force and effect as it may now be heard and disposed of in the county in which the causes or matters are or shall hereafter be pending; and when the causes are pending in other counties in said circuit, then the county in which the said special term is held, the clerk of the court where such term is held, shall certify the orders and papers to the clerk of the circuit court of the county in which the same is pending, and the papers shall be filed, and orders entered by the clerk of the court of the county in which such actions are properly pending.

Take effect.

SEC. 3. This act shall be immediately published and shall take effect from and after its passage and publication.

Approved March 14, 1859.

[*Published March* 17, 1859.]

CHAPTER 99.

AN ACT to amend chapter 183 of the revised statutes, entitled "for the preservation of game."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. That section 9, of chapter 183, of the revised statutes be, and the same is hereby amended by striking out the word "July," in the sixth line of said

section, and inserting in lieu thereof the word "August," and by striking out the word "February," in the eighth line of said 9th section, and inserting in lieu thereof the word "November."

SEC. 2. That the 10th section of said chapter 183 be, and the same is hereby amended by adding to said section after the word "provided" at the end thereof, the words, "and the possession of any of the said birds within the time when the taking and killing of the same is prohibited by law, shall be *prima facia* evidence that the same was taken or killed within the time of such prohibition." Amendment.

SEC. 3. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 12, 1859.

[*Published March* 26, 1859.]

CHAPTER 100.

AN ACT to provide for laying out highways on the line between city and towns.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever it shall be deemed necessary to lay out a highway upon the line between a town and city, such highway shall be laid by the supervisors of said town, and by three commissioners elected by the common council of said city, who shall be duly sworn before entering upon the discharge of their duties. Highways, how laid.

SEC. 2. The common council shall elect commissioners to lay out highways as herein specified, on the petition of six freeholders of said city, and said commissioners shall join in laying out such highway, if, in their opinion, the public good will thereby be promoted. Commissioners, their duties.

SEC. 3. All the powers possessed by supervisors of adjoining towns in cases of application to lay out highways on town lines, shall be possessed by the said commissioners and supervisors, and all the provisions of chapter nineteen of the revised statutes, relative to laying out, establishing and maintaining highways on the line between towns, shall apply to highways on the line between cities and towns; and all matters relating to such wards, required to be recorded with town clerks, shall be recorded in the office of the city clerk, whenever such city is a party to laying out such highway. Their powers, &c. Records.

Approved March 14, 1859.

[*Published March* 23, 1859.]

CHAPTER 101.

AN ACT to amend chapter one hundred and thirty of the revised statutes, relating to proceedings against debtors by attachment.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Chapter one hundred and thirty of the revised statutes is hereby amended by inserting the words "writ of," before the word "attachment," whenever it occurs in said chapter.

Amendments.

SEC. 2. Section two of said chapter is hereby amended by striking out the word "issued," and inserting in lieu thereof the word "executed." Section twenty-one of said chapter is hereby amended by inserting after the word "judgment," where it last occurs therein, "and costs and disbursements." Section twenty-three of said chapter is hereby amended by striking out the words "actions commenced," and inserting in lieu thereof the words, "writs of attachment issued."

Attachment writs, how issued.

SEC. 3. The allowance of such writ of attachment by a judge, court commissioner, or other officer, shall not be necessary, but such writ may be issued by the clerk of the court, either at the time of the commencement of the action, or at any time thereafter before final judgment, and shall be attested in the name of the presiding judge of the court from which the same shall issue, and sealed with the seal of the court.

Annexing and filing writ.

SEC. 4. Neither the writ nor the affidavit mentioned in section two of said chapter one hundred and thirty shall be annexed to the summons in the action, but the same shall be annexed to the undertaking mentioned in section five of said chapter, and filed therewith in the office of the clerk of the proper county within the time prescribed in section eight of said chapter, but the officer executing such writ, shall, before filing the same, endorse thereon all his proceedings under and by virtue thereof.

Application to set aside.

SEC. 5. The defendant in any action in which a writ of attachment shall be issued under the provisions of said chapter one hundred and thirty, may at any time before the trial of such action, apply to the circuit court in which the same may be pending, or to the judge thereof in vacation, for an order that such writ be set aside and dismissed for irregularity; at least five days notice of such application shall be given to the plaintiff or his attorney,

which notice shall specify the time when, and the place where such application will be heard, and such application shall be heard and determined according to the rules and practice in like cases, and if upon such hearing, the judge or court shall determine that such writ was irregularly obtained or issued, an order shall be made setting the same aside. How made and determined.

SEC. 6. Section thirty-two of said chapter is hereby repealed. Repealed.

SEC. 7. This act shall take effect and be in force from and after its publication. Take effect.

Approved March 14, 1859.

[*Published March* 26, 1859.]

CHAPTER 102.

AN ACT to release the rights of the state to certain escheated lands.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The governor of the state is hereby authorized to execute to Hercules L. Dousman, his heirs and assigns, a quit claim deed of lot number twenty-eight (28), of private claims on the east side of Fox River in the town of Bellaview, county of Brown, as provided in section two (2), of chapter thirty (30), of the revised statutes, entitled "of escheated lands," and such deed so executed, shall vest in said Dousman, his heirs and assigns, all the title and interest of the state, in and to said lot numbered twenty-eight, acquired by escheat to the former territory of Michigan or Wisconsin, or to the state of Wisconsin: *Provided*, that in no event shall the state be liable for any costs, or to pay any money for any purpose on account of the execution of said deed or otherwise. Lands released. Proviso.

SEC. 2. This act shall take effect from and after its passage. Take effect.

Approved March 14, 1859.

[*Published March* 26, 1859.]

CHAPTER 103.

AN ACT to remove the county seat of Marquette county to the village of Packwaukee.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Election, when held.

SECTION 1. At the general election to be held in November next, it shall be lawful for the legal voters of Marquette county, to vote on the question of the removal of the county seat of said county to the village of Packwaukee, in said county, which latter place is hereby fixed as the point to which it is proposed to remove the county seat of said county.

Form of ballot

SEC. 2. All votes given or cast at said election on the question for or against the removal of the county seat of said county, shall be by ballot, and shall be either written or printed, or partly written or partly printed, and shall be in the following form, viz: "For the removal of the county seat to Packwaukee," or "Against the removal of the county seat to Packwaukee."

County seat.

SEC. 3. In case a majority of the votes given at such election, shall be for the removal of the county seat to Packwaukee, then the county seat of said county of Marquette shall be removed, and be and remain permanently located at Packwaukee, without any further legislation whatever.

Returns, how made.

SEC. 4. The votes cast at such election for and against the removal of the county seat to Packwaukee, shall be canvassed, returned and certified, the same as votes cast for county officers.

Contingent vote.

SEC. 5. If the county seat of said county shall be removed to the village of Harris, at the next April election, under and by virtue of the provisions of an act of the legislature passed at its present session, then this act shall have no force or effect whatever.

Take effect.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

[*Published March* 26, 1859.]

CHAPTER 104.

AN ACT to enlarge the civil jurisdiction of the county court of La Crosse county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county court of the county of La Crosse shall hereafter have concurrent and co-extensive jurisdiction with the circuit court of said county in all civil actions, matters and proceedings in said county, and may exercise the same power and authority in all cases as the circuit court in said county, and the rules of practice for the circuit court now in force, and that may hereafter be made and provided for said courts, shall be applicable to, and govern the practice in said county court of La Crosse county. Jurisdiction of court.

SEC. 2. So much of the provisions of section 46, of chapter 117, of the revised statutes, entitled "of county courts having civil jurisdiction," and such parts of any other act or acts as conflict with the provisions of this act are, for the purposes of this act only, hereby repealed. Repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 14, 1859.

[*Published March* 23, 1859.]

CHAPTER 105.

AN ACT supplemental to chapter 78 of the revised statutes, relating to corporations.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the provisions of law relating to the sale of the property, rights and franchises of any railroad company, by any trustee or mortgagee, and to the redemption thereof by the stockholders or creditors, are hereby extended to, and shall embrace all other companies organized under the laws of this state, except as otherwise provided by special act. Supplemental provisions.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its publication.

Approved March 14, 1859.

[*Published March* 26, 1859.]

CHAPTER 106.

AN ACT to provide for the disposal and expenditure of the drainage fund monies in certain counties.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Interest, how paid over.

SECTION 1. That portion of the interest of the drainage fund which is due to the counties of Outagamie and Shawanaw for the year 1859, shall be paid over to county treasurer of said counties respectively, at the same time with the money due to said counties from the school fund for that year, and shall be paid out by said county treasurer only on the order of the commissioners hereafter mentioned for said counties respectively, as hereinafter directed.

How expended.

SEC. 2. The monies mentioned in section one of this act, shall be expended on that state road from Appleton to Shawanaw, which shall be laid out by virtue of an act passed at the psesent session of the legislature, entitled "an act to authorize the laying out of a state road from Appleton to Shawanaw," and on that part of said road which lies north of the south line, town 23, and all the money received by each county, shall be expended during the year 1859, on that part of said road which is in such county, under the direction of the commissioners hereinafter appointed for the said counties respectively, except as hereinafter provided.

Commissioners.

SEC. 3. Edward H. Stone, T. P. Bingham and Anson Ballard, are hereby appointed commissioners for Outagamie county, and said Stone shall be acting commissioner, and shall have the immediate superintendence of the work done on said road, and shall receive for his services the sum of two dollars per day, for every day actually spent by him in the superintendence of said work:

Proviso.

Provided, that in case of the incapacity or refusal of said Stone to discharge the duties of acting commissioner as aforesaid, either of the other two commissioners may discharge the duties, and receive the pay, of acting commissioner until the register of deeds, county treasurer,

and clerk of the board of supervisors of said county, by warrant under their hands appoint a substitute for said Stone.

SEC. 4. William Powell, Edward T. Sawyer, and Charles D. Westcott, are hereby appointed commissioners for Shawanaw county, and C. D. Westcott is hereby appointed acting commissioner for that county; and the duties and pay of the said commissioner shall be the same as prescribed by section 3 of this act, for the commissioners of Outagamie county, with the same provisions in case of the refusal or incapacity of the acting commissioner. Commissioners.

SEC. 5. The said commissioners shall have entire control and superintendence of the expenditure of the monies paid to their counties respectively. The commissioners of either county may draw orders on the county treasurer of their county, payable from the drainage fund. They may employ such overseers, laborers, or engineers, or let such contracts as they may deem necessary. They shall keep a record of their doings, and vouchers for all monies drawn out by them, and shall make a full report of their doings and expenditures to the county boards of supervisors of their respective counties, at the November session in 1859. Their powers and duties.

SEC. 6. The amount expended upon any one mile of said road shall not exceed two hundred dollars, and it is hereby provided, that a sum of money, not exceeding three hundred dollars, may be expended on the road leading from Appleton to Hortonville, known as the plank road, and the further sum of three hundred dollars upon any public highway in said county of Outagamie, that said commissioners in said county may direct the aforesaid monies to be taken from the monies belonging to the drainage fund of Outagamie county. Money, how expended.

SEC. 7. It is hereby further provided, that after the year 1859, the portion of the interest of the drainage fund to which Outagamie county may be entitled, shall be paid over to the county treasurer at the same time with the money due said county from the school fund, and the same shall be expended by the board of supervisors of said county, in the drainage and reclamation of lands, by the building of roads with proper ditches in such portions of the said county, as the said board shall direct. Drainage fund. Outagamie co.

SEC. 8. The commissioners hereinbefore named for the county of Shawanaw, are hereby directed to expend one-third of the drainage fund money going to the county of Shawanaw, upon the main road leading from the county Shawanaw co. Expenditure.

seat of Shawanaw, via Peterson's mill, to New London, the same to be expended within the limits of Shawanaw county, and not exceeding two hundred dollars on any one mile, and the remaining two-thirds shall be expended as hereinbefore directed; and it is hereby provided, that Edward T. Sawyer shall be the acting commissioner for the expenditure of the money herein set apart for the road from Shawanaw to New London.

Acting commissioner.

Repealed.

SEC. 9. All acts and parts of acts in so far as they contravene the provisions of this act are hereby repealed.

Approved March 15, 1859.

[*Published March* 26, 1859.]

CHAPTER 107.

AN ACT to appropriate to A. F. Phillip the sum of $386 32.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to A. F. Phillip, the sum of three hundred and eighty-six dollars and thirty-two cents, being payment in full for services as military store-keeper, room rent and expenses incurred in transportation, and keeping of state arms; *Provided*, that the said A. F. Phillip shall receive the amount herein appropriated as full compensation for all claims or demands against the state, which he has or may have for salary, for keeping, cleaning or repairing state arms or military equipments, for room rent or incidental charges or transportation in and about the care and keeping of said state arms.

Proviso.

Receipt

SEC. 2. The state treasurer is hereby authorized, on payment of the sum appropriated by section one of this act, to take a receipt for the same upon the terms herein provided.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1859.

[*Published March* 26, 1859.]

CHAPTER 108.

AN ACT to amend chapter 176 of the revised statutes, entitled, "Of the arrest and examination of offenders, commitment for trial, and taking bail.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter one hundred and seventy-six of the revised statutes, entitled "Of the arrest and examination of offenders, commitment for trial, and taking bail," is hereby amended by adding thereto a section, as follows, viz: Amendment.

"SEC. 34. Whenever any person charged with having committed an offence shall be brought before any justice of the peace for examination in accordance with the provisions of this chapter, if such person, before commencement of the examination, shall make oath, that from prejudice, or other cause, he believes that the justice will not decide impartially in the matter, then said justice shall transmit all the papers in the case to the nearest justice qualified by law to conduct the examination who shall proceed with the examination in the same manner as though said defendant had first been brought before him; *Provided*, that no case shall be so removed after a second adjournment had therein, and only one removal shall be allowed in the same case; *And provided further*, that the provisions of this bill shall not apply to cities, where police justices have exclusive criminal jurisdiction." How amended. Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 15, 1859.

[*Published March* 26, 1859.]

CHAPTER 109.

AN ACT to change the time for holding terms of the circuit court in certain counties in the seventh judicial circuit.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of January, A.D. 1860, the general terms of the circuit court in and Terms, when held.

Portage co.

for the county of Portage, in the seventh judicial circuit, shall be held as follows, viz: on the fourth Monday of March, and second Monday of September, in each and every year.

SEC. 2. From and after the passage of this act the general terms of the circuit court in and for the counties of Wood, Juneau and Adams, in said circuit, shall be held as follows, viz: in the county of Wood, on the first Monday of June and the first Monday of December, of each and every year; in the county of Juneau, on the third Monday of June and third Monday of December, of each and every year; in the county of Adams, on the second Monday of June and second Monday of December, of each and every year.

Wood co.

Juneau co.

Adams co.

Writs, &c. where returnable.

SEC. 3. All writs, summonses, processes, indictments, recognizances and other proceedings made returnable to the circuit courts of the counties mentioned in section two of this act, shall be deemed and considered returnable to the terms of the circuit court as fixed by this act; and all continuances and notices made or taken to any term of said court shall be deemed to be made or taken to the terms of said court as the same are fixed by this act; and all motions and other proceedings noticed to be heard at any regular term of said court shall be deemed and considered to be noticed for hearing at the regular terms of said court, as the same are fixed by said section two of this act.

Motions, &c. to be heard.

Take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

[*Published March* 14, 1859.]

CHAPTER 110.

AN ACT to amend section 18 of an act, entitled "An act relating to the Dane county court," approved March 9, 1859.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section eighteen of an act, entitled "An act relating to the Dane county court," approved March 9th, 1857, is hereby amended by striking out 1857, when it occurs in said section, and inserting 1858.

Take effect.

SEC. 2. This act shall take effect immediately.

Approved March 15, 1859.

[*Published March* 26, 1859.]

CHAPTER 111.

AN ACT to provide for levying a state tax for the year 1859.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be levied and collected for the year 1859, a state tax of one hundred and fifty thousand dollars for the estimated expenses of the year 1860, to be apportioned among and assessed upon the several counties of this state, as provided in chapter 18 of the revised statutes, (sections 43, 44, in relation to the equalization of assessments, and manner of assessing taxes,) and shall be levied upon the property, real and personal, in this state, according to the equalization to be made the present year by the state board of equalization; which tax shall be levied, collected and paid into the state treasury, as now provided by law. State tax, how levied and collected.

SEC. 2. The state board of equalization shall, on or before the first day of October after the passage of this act, proceed to, and make the equalization aforesaid, and immediately certify the same to the several counties in this state as provided by law, to have full force and effect for the year 1859. Board of equalization.

SEC. 3. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 16, 1859.

[*Published March* 28, 1859.]

CHAPTER 112.

AN ACT to amend chapter one hundred and twenty of the revised statutes, entitled "Of courts held by justices of the peace."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all actions hereafter tried by a justice of the peace for the recovery of the possession of personal property, in which an order is made and judgment entered, according to the provisions of chapter one hundred and twenty of the revised statutes, the property mentioned in such order shall not be delivered to the Possession of property.

party in whose favor the same is entered, until the expiration of twenty-four hours after the entry of such order.

Notice of appeal.

SEC. 2. If within twenty-four hours after the entry of such order, the losing party shall file with the justice an affidavit setting forth that he believes injustice has been done him in the action, and that he intends to remove the same to the circuit court by appeal, then such property shall not be delivered to the successful party until the time for taking the appeal shall have expired, unless the party in whose favor such order is entered shall enter into a recognizance to the opposite party, in double the amount of the value of the property mentioned in such order, with two or more sufficient sureties, to be approved by the justice, which recognizance shall be substantially in the following form: We, ——— and ———, acknowledge ourselves to owe and be indebted unto ——— in the sum of ——— dollars, to be levied of our several goods, chattels, lands and tenements, to the use of the said ——— or his assigns, if default be made in the condition following, to wit: Whereas, the said ——— did, on the ——— day of ——— A. D. 18—, commence an action before———, Esquire, a justice of the peace of the county of ———, in which action the following described property, to wit: (here insert a full description of the property) was seized; and whereas, the said justice did, on the ——— day of ———, A.D. 18—, order that the said property be delivered to ——— (plaintiff or defendant, as the case may be); and whereas, the said ——— did within twenty-four hours thereafter, make and file with the said justice an affidavit as provided by law in such case; now, if the said ——— shall remove said action to the circuit court, and if the judgment rendered by said justice shall be reversed as to any part of said property, the said ——— shall return the said property, or so much thereof as shall be adjudged to be returned, to the said ———, and shall abide the order and judgment of the court in the premises, then this recognizance io be void, otherwise of force.

Recognizance and sureties.

Failure to file recognizances

SEC. 3. If, at the expiration of the time for appeal, the appeal has been perfected, and the successful party has not filed his recognizance, as provided by this act, then such property shall be delivered to the party bringing such appeal.

Sureties to be given by appellant.

SEC. 4. If the property mentioned in such order has been delivered to the appellant, the appeal shall not be effectual for any purpose, unless, within the time

provided for taking the appeal, there shall be filed with the justice a written undertaking on the part of the appellant, with two sureties, in a sum not less than double the value of the property as found by the justice or jury, to the effect that if judgment be rendered aginst the appellant by the appellate court, he will pay such judgment, together with all costs, damages, and disbursements recovered against him, and that he will abide by such other or further order, or judgment, as the court may make in the premises.

By the appellee.

SEC. 5. If the property mentioned in such order has been delivered to the appellee, proceedings in the judgment rendered by the justice shall not be stayed until an undertaking shall be filed with the justice, on the part of the appellant, in a sum of not less than fifty dollars, with two sureties, to the effect that he will pay all costs, disbursements and damages that may be recovered against him in the appellate court.

Sureties to justify.

SEC. 6. The sureties mentioned in sections four and five of this act shall severally justify their responsibility on oath, and be approved by the justice; and such justification shall be either entered upon the back of, or attached to said undertaking; and the sureties mentioned in section two of this act shall also justify in like manner; and on filing of either of the undertakings aforesaid, all further proceedings on such judgments shall be stayed, and if execution be issued, the same shall be returned forthwith.

Proceedings stayed.

Relating to appeals.

SEC. 7. The provisions of chapter one hundred and twenty of the revised statutes, relating to appeal to the circuit or county court from justices judgments, so far as the same are applicable, and not inconsistent with the provisions of this act, shall apply to appeals from judgments mentioned in this act relating to the recovery of the possession of personal property; and the provisions of section two hundred and seventeen of said chapter one hundred and twenty are hereby declared to be applicable to appeals from judgments rendered in justices court for the recovery of the possession of personal property; and the value of the property as found by the justice or jury shall be taken as the amount of such judgment, exclusive of costs.

Take effect.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 16, 1859.

[*Published March* 28, 1859.]

CHAPTER 113.

AN ACT to amend chapter one hundred and fifty-three of the revised statutes, entitled "of the lien of mechanics and others."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section four, of chapter one hundred and fifty-three of the revised statutes is hereby amended by adding thereto the following words, to wit: "such petition or claim shall be filed in the office of the clerk of circuit court of the proper county, within ninety days from the date of the last charge for work, and labor performed, or materials furnished."

Assignment of lien.

SEC. 2. Any number of persons claiming a lien upon the same dwelling house, building, or machinery, in accordance with the provisions of chapter one hundred and fifty-three of the revised statutes aforesaid, may assign their respective claims to any one or more of their number, by giving notice to that effect in writing, to the owner or owners of such dwelling house, building, or machinery, a copy of which said notice, together with a copy of such assignment in writing, shall be filed in the manner provided for the filing of the petition or claim in section one of this act, within fifteen days after such assignment shall have been made.

Notice given.

Assignee of lien.

SEC. 3. Any person to whom any such assignment shall have been made, shall have the benefit of the lien granted by chapter one hundred and fifty-three of the revised statutes, and the amendments thereto, and may enforce such lien in his own name, in the manner provided in said chapter.

Petition or claim to be filed.

SEC. 4. In all cases of lien granted by the provisions of chapter one hundred and fifty-three of the revised statutes, where right of action has at the time of the passage of this act, accrued and action has not been commenced, the person or persons claiming the benefit of such lien, shall before being entitled to maintain an action for the same, and within sixty days after this act shall take effect, file the petition or claim as provided by section one of this act.

Evidence of indebtedness, &c.

SEC. 5. The taking of a promissory note or other evidence of indebtedness for work and labor, or materials furnished, shall not be deemed to waive the right of the party taking the same to prosecute and perfect his lien in the manner provided by law.

SEC. 6. This act shall take effect and be in force from d after its passage. Take effect.

Approved March 16, 1859.

[*Published March* 28, 1859.]

CHAPTER 114.

N ACT to amend that part of chapter 117, of the revised statutes, entitled "of county courts having civil jurisdiction," and to confer civil jurisdiction upon the county court of Crawford county.

The People of the State of Wisconsin, represented in nate and Assembly, do enact as follows:

SECTION 1. Section 46, of chapter 117, of the revised atutes, entitled "of county courts having civil jurisdic- on," is hereby amended by adding after the words "La ointe," in the second line of the printed law, the follow- g words: "and Crawford;" and also amended by stiking it the word "and" before "La Pointe" in the aforesaid ne of said section, so as to confer civil jurisdiction upon e county court of Crawford county, the same as upon e county courts of the counties of Milwaukee, La Crosse, . Croix, Douglass and La Pointe, except as hereinaf- r provided. Civil jurisdiction granted.

SEC. 2 Section 48, of said chapter, entitled as afore- ik, shall not apply to the county court of said county Crawford, but all other sections and parts of said chapter, titled "of the county courts having civil jurisdiction," all apply to the said county court of Crawford county fully and effectually as if the said county of Crawford d been originally named in said chapter. Application of section.

SEC. 3. The terms of the county court of said county Crawford, shall be held at the court house of said unty on the second Monday of January, April, July d September of each year. Terms of court.

SEC. 4. This act shall take effect and be in force from d after the first day of April, 1859. Take effect.

Approved March 16, 1859.

[*Published March* 28, 1859.]

CHAPTER 115.

AN ACT to prohibit the selling of intoxicating drinks on Sunday, and certain other days therein mentioned.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Prohibition.

SECTION 1. If any tavern keeper or other person shall sell, give away, or barter, any intoxicating liquors on the first day of the week, commonly called Sunday, or on the day and at the place of the annual town meeting, or the annual fall election, such tavern keeper or other person so offending, shall be fined for each of such offences in a sum not exceeding five dollars; to be collected before any justice of the peace of the proper county.

Penalty.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1859.

[*Published March* 28, 1859.]

CHAPTER 116.

AN ACT to provide for copying the records in case of division of towns.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Records, how obtained.

SECTION 1. In case of the division of any town and the organization of a new town, as soon as the said new town shall have had their first town election after the said division and organization, it shall be lawful for the clerk of said new town, as soon as he shall be duly qualified, to obtain the records properly belonging and pertaining to said new town by copying the same from the records of the old town, and the clerk of the old town is hereby required and ordered to permit such clerk of any new town to have access to the books and records for the purpose aforesaid.

Duty of town clerks.

SEC. 2. It shall also be the duty of the clerk of the town from which any new town is taken, as described in the first section of this act, to deliver over to the clerk of any such new town, all papers filed in his office belonging or pertaining to such new town, or the inhabitants thereof, and when the records shall have been copied as in the first section of this act provided, and the papers

ly delivered as in this section provided, the same shall e recorded and filed by such clerk of the new town, and hen so filed and recorded, shall have the same validity nd effect as if originally recorded and filed in the office f such new town.

SEC. 3. This act shall take effect and be in force from nd after its passage. Take effect.

Approved March 16, 1859.

[*Published March* 28, 1859.]

CHAPTER 117.

N ACT to amend chapter 13, of the revised statutes, entitled "of counties and county officers"

The People of the State of Wisconsin, represented in enate and Assembly, do enact as follows:

SECTION 1. Section 35, of chapter 13, of the revised atutes is hereby amended so that it shall read as follows: hey shall at their first meeting after their election, choose ne of their number as chairman, who shall hold this ofce until his successor is elected, and who shall preside t all meetings, if present; but in case of his absence om any meeting, the members present shall choose one f their number as temporary chairman. Amendment.

SEC. 2. This act shall take effect and be in force from nd after its passage. Take effect.

Approved March 16, 1859.

[*Published March* 28, 1859.]

CHAPTER 118.

N ACT to amend chapter 13, of the revised statutes, entitled "Of counties and county officers."

The People of the State of Wisconsin, represented in enate and Assembly, do enact as follows:

SECTION 1. Section 79, of chapter 13, of the revised atutes, is hereby amended so that it shall read as folws: No person acting as a clerk of any circuit or county ourt in this state, shall be allowed to practice as attorey or solicitor in the court in which he is acting as clerk, or shall he be elligible to the office of justice of the peace uring the time he holds the office of such clerk. Amendment.

Take effect. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1859.

[*Published March* 29, 1859.]

CHAPTER 119.

AN ACT to amend section 47, chapter 19, of the revised statutes, entitled "of highways and bridges."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section 47, of chapter 19, of the revised statutes, is hereby amended by striking out "first" where it occurs in the second line of said section, and insert in lieu thereof, "second."

Take effect. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1859.

[*Published March* 29, 1859.]

CHAPTER 120.

AN ACT to amend chapter 27 of the revised statutes, entitled "of the state superintendent of public property, and the purchase and distribution of stationery for the use of the state."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section 9, of chapter 27, of the revised statutes, is hereby amended by adding to the same the following words: "*Provided*, that the amount of stationery furnished in any one year to each and every member of the legislature, the lieutenant governor, and the sergeant-at-arms of each house, shall not exceed in value fifteen dollars."

Approved March 16, 1859.

[*Published March* 29, 1859.]

CHAPTER 121.

AN ACT for the more speedy and thorough collection of penalties, forfeitures and fines.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every chairman of the town board of supervisors shall demand of, and receive from each justice of the peace of his town, all fines and forfeitures received by such justice upon convictions and sentences before him accruing to the state. Chairman of town board, duty of.

SEC. 2. Every justice of the peace shall, on the demand of the chairman of the board of supervisors of his town, produce his docket for the examination of such supervisor, and if required, also all writs, process and papers concerning any prosecution entertained by him in behalf of the state. Justices to produce papers, &c.

SEC. 3. In case of the neglect or refusal of any such justice to comply with the demand of said supervisor to pay over promptly the sums of money received by him for fines and forfeitures accruing to the state, the supervisor of his town shall immediately bring suit against such justice and his sureties, before any other justice of the peace in his county, when the amount withheld is cognizable in a justice's court. In case of neglect or refusal

SEC. 4. On the Tuesday next succeeding the general election of each year, every such chairman, and every city treasurer, shall pay over to the treasurer of his county, all sums of money collected by him pursuant to this act, taking a receipt therefor, and at the same time shall submit a statement, verified by his affidavit, and filed with the clerk of the board of supervisors of his county, containing the names of the several justices of his town, and the amount of fines and forfeitures received from each, and time of collection, the name of the defendant in each case, the cause of prosecution and the date of process and judgment. Monies, to be paid over.

SEC. 5. Every city treasurer shall make demand respectively, of each justice of the peace of his city, of all fines and forfeitures received by such justice in like manner as required of town supervisors, as required in section one of this act, and upon demand of the city treasurer, each justice of the peace of his city, shall produce, for the examination of said treasurer, his docket Duty of city treasurer.

and all process and papers concerning prosecutions for fines and forfeitures in like manner as provided by section two of this act, concerning justices of the peace in towns; and in case of neglect or refusal to comply with such demand, said justice shall, with his sureties, be liable to prosecution, at the suit of the treasurer of his city, before any justice of his city.

Of county treasurers.

SEC. 6. Every county treasurer shall, within the first three days of the annual session of the board of supervisors of his county, submit to such board a statement, verified by his affidavit containing the amount of money received by him, and the items thereof of fines and forfeitures during the year next preceding, and containing the names of the several town supervisors, or city treasurers, the amount received from each and date of receipt.

Expenses deducted.

SEC. 7. Upon receipt of the statement provided for in section six, the county board of supervisors shall deduct from the aggregate amount of fines received, according to such statement, all expenses incurred by the county in prosecuting for the same, and the clear proceeds of such prosecutions so ascertained, shall be immediately certified by the clerk of said board to the county treasurer, and by him shall be paid into the state treasury, as required by law.

Penalty for neglect.

SEC. 8. In case of the neglect or refusal, on the part of any chairman of the town board of supervisors, or city treasurer, to perform any of the duties required of him by the provisions of this act, he shall, on conviction be punished by imprisonment in the county jail not less than three months, nor more than six months, or by fine of not less than fifty dollars, nor more than three hundred dollars, or by both in the discretion of the court; and the county treasurer shall prosecute such chairman of town board of supervisors or city treasurer of his county forthwith, in any case of such refusal or neglect.

Repealed.

SEC. 9. Sections 15, 16, 17, 18, 19, 21, 22, 23, 24, and 25, of chapter 155, of the revised statutes, entitled "Of the collection of penalties, forfeitures and fines," are hereby repealed, and section 20 of said chapter is hereby amended, by striking out all of said section after the word "five," in the twelfth line thereof.

Take effect.

SEC. 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1859.

[*Published March* 29, 1859.]

CHAPTER 122.

AN ACT to amend section seven, of chapter 67, of revised statutes, entitled "Of cemetery associations and town cemeteries."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven, of chapter sixty-seven, of the revised statutes, entitled "Of cemetery associations," be, and the same is hereby amended, by inserting after the word "filed," and before the word "in," in the tenth line of said section, the following words: "and recorded in a book kept for that purpose." Amendment.

SEC. 2. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 16, 1859.

[*Published March* 28, 1859.]

CHAPTER 123.

AN ACT to provide for the assignment of forfeited mortgages of school, university, and other state lands, to subsequent purchasers and incumbrancers.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. When the interest or principal of any loan made by the state from the school fund, university fund, drainage fund, or any other fund, and which shall have been secured by a mortgage upon any real estate, shall become due and remain unpaid, any person who may have become the purchaser of such real estate, subsequent to such mortgage to the state, or who may have acquired any lien upon the same by mortgage, judgment, or otherwise, may, upon application to the commissioners of the school and university lands, make payment in full of all sums due to the state upon such loan, for principal, interest, penalty and other lawful charges; and upon the making of such payment, it shall be the duty of the said commissioners, to assign and transfer to such person all the interest of the state in, and all its title and claim to the note and mortgage given in security for such loan, and thereupon the assignee shall have and possess all the rights and Assignee of mortgaged lands. Duty of commissioners.

remedies in relation to such note and mortgage, which the assignee of any note and mortgage is by law entitled to in cases where the same is assigned by any private person.

Preference, in liens.

SEC. 2. In case two or more persons shall make application for such an assignment, the person in whom the legal title shall at the time be vested, shall have the preference over other claimants or incumbrancers, and as between incumbrancers, the person having the oldest lien shall be entitled to the preference.

Evidence required.

SEC. 3. The said commissioners shall require such evidence as they think proper, of the interest in the premises of the person making application for such assignment, and shall make and prescribe such rules and regulations in relation thereto as they may think proper to protect the interest of the state, of the mortgagor and assignee.

Rules and regulations.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 16, 1859.

[*Published March* 30, 1859.]

CHAPTER 124.

AN ACT to amend chapter 18, of the revised statutes, in relation to the assessment and collection of taxes.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section seventy-two of chapter eighteen of the revised statutes, in relation to the assessment and collection of taxes, is hereby amended by striking out all after the word "tax" in the last line of said section, and insert the following: "On or before the third Monday of January in each year."

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1859.

[*Published March* 30, 1859.]

CHAPTER 125.

AN ACT to authorize the publication of the banking law in pamphlet form.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The bank comptroller is hereby authorized to have printed under the contract of the state printer, in pamphlet form, five thousand copies of the banking law, as amended by the act entitled "an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin, for the year 1852, entitled 'an act to authorize the business of banking in the state of Wisconsin,' approved May 15th, 1858," and other laws now in force in this state relating to banking, with an appendix of forms for the organization of banks, and the same, when printed, shall be placed in the bank comptroller's office for distribution.

Banking law, how printed.

Appendix to same.

SEC. 2. The expenses attending the printing and compilation of said laws, shall be certified by the bank comptroller to the secretary of state, who shall audit and draw his warrant on the state treasurer for the payment of the same.

Expenses, how paid.

Approved March 16, 1859.

[*Published March* 26, 1859.]

CHAPTER 126.

AN ACT to provide for the removal of the county seat of La Pointe county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the next general annual election the legal voters of the county of La Pointe in this state, shall be, and are hereby authorized to vote for the removal of the county seat of said county, from La Pointe, on the island, to Bayfield, in said county of La Pointe, which point is hereby fixed as the point to which is proposed to remove said county seat, and if a majority of all the votes on that subject at such election be in favor of such

Vote on question of removal.

removal, then said place last aforesaid, shall be the permanent county seat of said county.

How balloted for.

SEC. 2. The votes cast on the subject of the removal of the county seat as above provided, shall be by ballot, said ballots shall have written or printed on them, or partly written and partly printed, the words "for the removal of the county seat," or the words, "against the removal to the county seat," said ballots shall be deposited by the inspectors of the election in a separate box to be by them provided for that purpose.

How canvassed and returned.

SEC. 3. The said votes shall be counted, canvassed and certified and returned in the same manner as is provided by law for counting, canvassing, returning, and certifying the votes for county officers, and the clerk of the board of supervisors of said county shall record the result of the same, in county record book in his office, and transmit a certified copy of such record to the secretary of state at Madison, who shall file and preserve the same.

Take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 16, 1859.

[*Published March* 30, 1859.]

CHAPTER 127.

AN ACT to require the circuit judge of the 3d judicial circuit to hold special terms of the circuit court.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Special terms for what purpose.

SECTION 1. There shall be held in the county of Dodge, at least two special terms of the circuit court in each year, for the trial of issues of law, for the hearing and trial of causes without a jury, for the hearing of motions, and the transacting of any and all business that may be done at a regular term, except the trial of issues of fact by a jury, at such times and places as the circuit judge shall designate. The said judge shall designate and publish the time and places of holding said terms. And at such terms the issue of law and motions, and all other business that may be transacted thereat, pending in any and every county in the circuit, may be heard and disposed of with the same force and effect as it may now be heard and disposed of in the county in which the causes

or matters are pending, and when the causes or matters are pending in counties in the circuit other than in said county of Dodge, the clerk of the court shall certify the orders and papers to the clerk of the circuit court of the county where the same is pending, and the papers shall be filed and entered by the clerk of the court of the county where the cause or matter is pending, in the same manner as if the cause or matter had been heard, or decided by the circuit court at a term thereof held in that county. Duty of clerk.

Approved March 16, 1859.

[*Published March* 22, 1859.]

CHAPTER 128.

AN ACT to amend section 8, of chapter 124, of the revised statutes, entitled "of the manner of commencing civil actions."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. No fees or charge shall be allowed or taxed for service or copies of any summons, complaint or other process or paper required to be served, by chapter one hundred and twenty-four of the revised statutes of this state, nor for any travel for serving the same, nor for any affidavit or proof of such service, unless such service shall have been made by the sheriff or his deputy. Officers entitled to fees, &c.

Approved March 16, 1859.

[*Published March* 30, 1859.]

CHAPTER 129.

AN ACT to amend section 1, of chapter 142, of laws of a general nature of 1858, entitled "an act to amend an act, entitled 'an act to organize the county of Kewaunee for judicial purposes.'"

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1, of chapter 142, of acts of a general nature of 1858, is hereby amended so as to read as follows, to wit: Said county of Kewaunee shall be, and hereby is constituted, a part of the fourth judicial circuit, and two terms of the circuit court shall annually be held in and for said county of Kewaunee, one term of Amendment. Terms of court.

said circuit court shall be held on the first Monday of June, and the second term of said circuit court, on the first Monday of December, in each year.

Approved March 17, 1859.

[*Published March* 30, 1859.]

CHAPTER 130.

AN ACT to extend the time for the payment of mortgages executed to the state.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Extension of time.

SECTION 1. The time for the payment of the principal sum which shall become due during the year 1859, upon any mortgage exected to the state, is hereby extended five years from the day on which any such mortgage shall become due; *Provided*, that the interest due upon the principal sum secured by any such mortgage, shall be paid at the time or times prescribed by law for the payment of the same; *And provided further*, that in case of any defect in the title to the lands mortgaged, or any reasonable doubts as to the sufficiency of the security, the commissioners of school and university lands shall have power, and they are hereby authorized to require the payment at once of the sum secured by mortgage; and if not paid to close the same up according to law, or to exact and procure new and sufficient security.

Provisos.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1859.

[*Published March* 30, 1859.]

CHAPTER 131.

AN ACT requiring parties to suits upon appeal or writ of error in the supreme court to prosecute the same with diligence.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Cases on writ of error, &c.

SECTION 1. In all cases in which the supreme court shall order a new trial, on further proceedings in the court, from which such cases have been brought to the

supreme court upon writ of error or appeal, the record shall be transmitted to such court, and proceedings shall be had thereon within one year from the time of the entering such order for a new trial, or for further proceeding in said supreme court, and in default thereof, such cases shall be considered and treated as discontinued and dismissed. When to be prosecuted.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

[*Published March* 30, 1859.]

CHAPTER 132.

AN ACT to appropriate certain islands in the Wisconsin river, to the Boscobel and Manhattan bridge company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the several islands in the Wisconsin river lying between a line running parallel with the range line between ranges four and five west of the principal meridian, and fifteen miles east thereof, be, and the same hereby are appropriated to John Mortimore, A. W. Ray, and John H. Tower, as commissioners, in trust, for the Boscobel and Manhattan bridge company, for the uses and purposes hereinafter mentioned. Islands appropriated. Commissioners.

SEC. 2. The said commissioners are hereby empowered to sell and convey said islands, or so much thereof as may be necessary for the purpose of aiding in the erection and construction of a bridge across the Wisconsin river, at the place designated in the act of the legislature incorporating said company, passed March, 1859, and to execute to the purchasers of the same, sufficient and ample deeds of conveyance in fee simple, and to apply the proceeds of such sale in aid of the erection and construction of the bridge aforesaid; *Provided*, no part or parcel of said island shall be so sold for a less amount than one dollar and twenty-five cents per acre; *And provided further*, that no amount of the proceeds of such sales shall be applied as aforesaid, until said company shall have expended an equal amount, that is to say, whenever said company shall have actually expended the amount of eight hundred dollars in the erection and construction of the bridge aforesaid, then said company shall be entitled to Their duties. Provises.

an equal amount arising from the proceeds of the sale of the islands aforesaid, and for every additional three hundred dollars, actually raised and expended by said company as aforesaid, they shall be entitled to an equal amount arising from the proceeds aforesaid; and the governor of the state, shall in his official capacity, and in behalf of the state, and under the great seal thereof, execute and deliver to the said commissioners whenever it shall satisfactorily appear that said bridge is in process of erection and construction, and that a sum not less than eight hundred dollars has been actually expended thereon, a trust deed of the lands composing the islands aforesaid, which deed shall vest in said commissioners the right to sell, convey, and dispose of the same in the manner provided (by) this act.

Trust deed to be executed.

Account to be rendered.

SEC. 3. The said commissioners shall render to said company whenever they shall demand the same, a strict and accurate account of all moneys by them received in consequence of any sale of the islands aforesaid, or any part or parcel thereof, and all moneys arising from any sale as aforesaid, which shall not be necessary for use in the erection and construction of the bridge aforesaid, and all moneys arising from any sale of the islands aforesaid, after the completion of said bridge, shall be paid by said commissioners into the state treasury, and the said commissioners shall, before any of the rights and powers herein granted, shall vest in said commissioners, severally give bonds to the state of Wisconsin with sureties to be approved by the governor, in an amount not less than five thousand dollars each, conditioned for the faithful performance of their duties as said commissioners, and the faithful application and disposition of all moneys arising out of any sales by them of the islands aforesaid, or any part or parcel thereof in accordance with the provisions of this act; which said bonds shall be filed within ten days after their execution, in the office of the secretary of state.

Bonds to be given.

Take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

[*Published March* 31, 1859.]

CHAPTER 133.

AN ACT prescribing the duties of the clerk of the supreme court in certain cases.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the judgment of any circuit or county court in any cause shall be, in whole or in part, reversed by the judgment of the supreme court of this state, or said cause is remanded to the court below for a new trial or further proceedings, it shall be the duty of the clerk of the supreme court to transmit to the clerk of the circuit or county court, together with the remittitur in such cause, a certified copy of the opinion of the supreme court therein. Judgments reversed. Duty of clerk of supreme court.

SEC. 2. The said clerk shall be allowed for making and transmitting such certified copy of such opinion, the same fee that he is entitled to charge and receive for making and certifying copies of any record of said court; and the sum allowed and charged therefor shall be allowed as disbursements to the party paying the same, if he shall ultimately prevail in his action. Fees, &c.

Approved March 17, 1859.

[*Published March* 31, 1859.]

CHAPTER 134.

AN ACT to authorize the clerk of the circuit court of each organized county to procure copy of the judgment record of unsatisfied judgments in the courts of the United States, in and for the district of Wisconsin.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the clerk of the circuit court of each organized county within the state shall procure a copy of the judgment record of unsatisfied judgments in the courts of the United States, in and for the district of Wisconsin; and also, at the end of every term of said court, a copy of the judgment record of judgments entered since the last preceding term, and also of satisfactions of judgments that may from [time] to time be entered; and the same shall be bound and preserved, and be open for public Judgment records to be procured. Kept for public reference.

reference and examination, as other records; and there shall be paid out of the treasury of each county, for said copy, three cents for each judgment and entry contained therein.

Repealed. SEC. 2. Sections forty-nine and fifty of chapter one hundred and thirty-two of the revised statutes, and chapter fifty of acts of a general nature of 1858, (and also all other acts or parts of acts that relate to liens of judgments in the court of the United States, and inconsistent with the first section of this act,) are hereby repealed.

Take effect. SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

[*Published March* 31, 1859.]

CHAPTER 135.

AN ACT for the relief of the county of Marquette.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amount remitted. SECTION 1. There is hereby remitted to the county of Marquette the sum of one thousand dollars, being the amount of state tax overcharged to said county by the state board of equalization for the year 1858, which sum shall be passed to the credit of said county in its settlement with the state treasurer for delinquent taxes.

Take effect. SEC. 2. This act shall take effect and be in force from and after its publication.

Approved March 17, 1859.

[*Published March* 31, 1859.]

CHAPTER 136.

AN ACT for the punishment of indecent exposure of the person.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Penalty, for offence. SECTION 1. Every person who shall publicly expose his person in an obscene and indecent manner shall, upon conviction thereof, be subject to a fine of not less than five nor more than fifty dollars, or imprisonment in the

county jail not less than one or more than six weeks, as the justice shall direct.

SEC. 2. Justices of the peace shall have full power to hear, try and determine all offences arising under the provisions of this chapter: *Provided*, that the defendant shall not be deprived of a jury trial, nor of his right of appeal, as in other cases. How determined: Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage. Take effect

Approved March 17, 1859.

[*Published March* 31, 1859.]

CHAPTER 137.

AN ACT to amend chapter one hundred and thirty of the general laws of 1856, entitled "An act to organize the county of Juneau, and to locate the county seat thereof," approved Oct. 13, 1856.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter one hundred and thirty of the general laws of 1856, entitled "An act to organize the county of Juneau, and to locate the county seat thereof," approved October 13th, 1856, is hereby repealed. Repealed.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 17, 1859.

[*Published March* 31, 1859.]

CHAPTER 138.

AN ACT to provide for the purchase of certain copies of Webster's Dictionary, for the supply of deficient school districts of the state.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state superintendent of public instruction, with the consent and approval of the governor, is hereby authorized to purchase, on behalf of the state, six hundred copies of Webster's Unabridged Dictionary of the English language, as revised by Professor Chauncey A. Goodrich, at a price not exceeding four dollars per copy, Dictionaries to be purchased.

For what purpose.

to supply the deficient school districts of the state, and to be distributed as provided in chapter twenty-two of the general laws of 1858.

To be receipted for.

SEC. 2. On receipt of such dictionaries, each town or city superintendent so receiving them shall deliver to the librarian or clerk of each town or city one copy for each common school, and each department of graded or high school entitled thereto, and shall take his receipt for the same, and file it among the records of his office.

How owned and used.

SEC. 3. Such dictionaries, when received by the several districts in this state, shall be considered as belonging to the library of the districts, and shall be subject to the same laws and regulations as other library books, but during the time a school shall be taught therein it shall be and remain in the school room during the hours of school, for the exclusive use of the scholars and teachers of such schools, and under the control of the teacher or principal, who shall be responsible to the district for its loss, or for any unnecessary damage it may receive, the same as any other book of the district library.

Appropriation for same.

SEC. 4. There is hereby appropriated out of the income of the school fund a sum of money sufficient to pay for the dictionaries provided for in this act to be paid out of the first moneys received into the school fund income after the apportionment of the present year; and the amount so paid shall be deducted from the amount subject to apportionment for the year next following after the said payment for dictionaries; and the state superintendent of public instruction shall certify to the state treasurer the amount of such expenditures and deductions accordingly.

Take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

[*Published March* 31, 1859.]

CHAPTER 139.

AN ACT to amend chapter one hundred and thirty-nine of the revised statutes, entitled "Of appeals and writs of error, and proceedings thereon."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appeals, duty of clerk.

SECTION 1. That on an appeal under the provisions of chapter one hundred and thirty-nine of the revised

statutes, from any order made before final judgment, the clerk shall transmit to the supreme court the notice of appeal, and certified copy of the order appealed from, and of the papers on which the appeal was granted, unless the circuit court shall direct the original papers to be sent instead of copies thereof.

Security to be given.

SEC. 2. That no appeal from an intermediate order shall stay proceedings in the circuit court unless security shall be given by an undertaking executed by two or more freeholders, in such sum as the circuit judge shall direct, for the payment, in case the order appealed from shall be affirmed, of any final judgment that may be recovered by the appellee.

Repealed.

SEC. 3. So much of chapter one hundred and thirty-nine of the revised statutes as conflicts with the provisions of this act, is hereby repealed.

Approved March 17, 1859.

[*Published March* 31, 1859.]

CHAPTER 140.

AN ACT to amend chapter eighteen of the revised statutes, entitled "Of the assessment and collection of taxes."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section one hundred and eighty-two of chapter eighteen of the revised statutes, is hereby amended, by striking out the word "January," in the fourth line, and inserting "February" in lieu thereof.

Time of paying tax.

SEC. 2. The time for the payment of the tax for the year 1858, by railroad and plank road companies, is hereby extended to the tenth day of June next, and thereafter such tax shall be payable annually, on or before the first day of April.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1859.

[*Published March* 23, 1859.]

CHAPTER 141.

AN ACT to amend section twenty-eight, of chapter fifteen, of revised statutes, entitled "Of towns and town officers, &c."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section twenty-eight of said chapter fifteen is hereby amended by inserting after the words "voted for," in the second line of said section, the following words, to wit: "except for a judicial office other than justice of the peace."

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

[*Published March* 31, 1859.]

CHAPTER 142.

AN ACT to provide for changing the venue of actions pending in the county court.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Actions, removed for cause.

SECTION 1. Whenever a change of venue is allowed in any action pending in a county court, on account of interest or prejudice on the part of the judge, or because the judge has been of counsel for, or is related to one of the parties, the action shall be removed to the circuit court for the same county, or the county to which the same is attached for judicial purposes, unless it shall be made to appear that one of the objections in this section mentioned exists in respect to the judge of the said circuit court, in which case the action shall be removed to the county court of an adjoining county, if any such there be, having jurisdiction thereof, otherwise the same shall be removed to the circuit court for some county in an adjoining circuit.

To what court removed.

SEC. 2. In all cases of a change of venue in actions pending in a county court, not provided for by section one of this act, the action shall be removed to a county court of an adjoining county, if any there be, having

jurisdiction thereof, or to the circuit court for an adjoining county, in the discretion of the judge.

SEC. 3. Whenever the venue of any action shall be changed in pursuance of this act, the clerk of the court removing said action shall forthwith transmit the papers relating thereto, to the clerk of the court to which said action shall be removed, and said last mentioned court shall proceed to trial, give judgment and issue execution, in the same manner as if said action had been originally brought therein. Duty of clerk

SEC. 4. All acts and parts of acts contravening the provisions of this act are hereby repealed. Repealed.

SEC. 5. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 17, 1859.

[*Published March* 31, 1859.]

CHAPTER 143.

AN ACT to prevent the sale of unripe cranberries.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons who shall, at any time between the first day of June and the twentieth day of September in any year, offer for sale, or in any other manner attempt to dispose of, or have in his or her possession, with the intent to sell or dispose of, any unripe cranberries, in any county in this state, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding fifty dollars nor less than five dollars, with costs of suit, provided that native Indians shall not be liable to the penalties prescribed by this act. Prohibition. Penalty.

SEC. 2. Possession of unripe cranberries during the time the selling or disposing of them is prohibited, as provided in section one of this act, shall be deemed *prima facie* evidence of the fact of the person or persons having the same in his or her possession, of having such berries in possession with intent to sell or dispose of the same, contrary to the provisions of the preceding section. What shall be evidence.

SEC. 3. Any person who shall be convicted of the offence as provided in section one of this act, shall stand committed to the county jail of the proper county, until Committal

the whole of such fine, together with the costs of suit, are paid.

Jurisdiction. SEC. 4. Justices of the peace shall have jurisdiction, on complaint made on oath, to hear and determine all cases arising under this act.

Take effect. SEC. 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1859.

[*Published March* 31, 1859.]

CHAPTER 144.

AN ACT to amend section thirty-seven of chapter ten of the revised statutes, entitled "of state officers."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Salary of clerks in certain cases. SECTION 1. Section thirty-seven, of chapter ten, of the revised statutes is hereby amended so as to read as follows: "The secretary of state shall audit, and the state treasurer shall pay, such sums as shall be actually and necessarily expended for clerk hire in the offices of the state treasurer and bank comptroller, in the same manner as is provided in the preceding section for clerks employed in the office of the secretary of state: *Provided*, that, before the secretary of state shall audit any account for clerk hire as aforesaid, the treasurer and bank comptroller shall respectively file with him a certificate setting forth the particular service rendered by such clerk or clerks, and that the same was necessary to a proper discharge of the duties of their respective offices.

Proviso.

Take effect. SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1859.

[*Published April* 1, 1859.]

CHAPTER 145.

AN ACT for the incorporation of associations for improving the breed of horses.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Associations. SECTION 1. Any number of persons, not less than five, may associate and form an incorporation or company

for the purpose of raising, improving and breeding horses, upon filing in the office of the secretary of state a declaration, signed by all the corporators, expressing their intention to form such company, together with a copy of the charter proposed to be adopted by them.

For what purpose.

SEC. 2. The charter so filed shall set forth the name of the company, the town and county wherein the same shall be located, the mode and manner in which the corporate powers granted by this act are to be exercised, the duration of the charter, which shall not exceed twenty-five years, the mode and manner of electing trustees or directors, or of filling vacancies, the period for the commencement and termination of its fiscal year, the amount of capital to be employed in the transaction of its business; but no company shall be organized under this act with a capital less than ten thousand dollars, nor shall the declaration or charter of any company proposed so to be formed, be filed as required by the first section of this act, except upon due and sufficient proof, to be made to the secretary of state, upon the oath of at least two of the corporators, that the whole amount of the said capital has been subscribed, and at least ten per cent. thereof actually paid in cash.

Provisions of charter.

Capital stock.

SEC. 3. Upon filing a declaration and charter as aforesaid, the persons who shall have signed the said declaration, their associates and successors, shall thereupon, by virtue of this act, be a body corporate and politic, by the name stated in such charter, and by that name they and their successors shall have succession, and such corporation by such name shall be in law capable of suing and being sued, may have and use a common seal, and the same change at pleasure, and shall be capable of taking and receiving, purchasing and holding real estate and personal property, for the purposes of this incorporation, to an amount not exceeding one hundred thousand dollars in value; and of mortgaging, selling, or otherwise disposing of the same, as the interests and objects of the corporation may require.

To be a body corporate, &c.

SEC. 4. Such corporation, when so formed, to purchase and hold a suitable tract of land, to be used as a course for trying the relative speed of horses; and to erect such buildings and fences on and around the same as may be deemed necessary for carrying out the provisions of this act; but nothing in this section contained shall be construed to allow the racing of horses for any bet or wager; but such corporation shall have power to

May hold real property.

offer prizes to be awarded in the manner it may prescribe best adapted to carry out the objects of this act.

Gambling, prohibited.

SEC. 5. Such corporation shall have power to prevent, and it shall be the duty of all peace officers to aid it in preventing, all and every gambling and gaming tables, or instruments or devices of whatever kind, from being brought, kept or used on such tract or course.

Power of corporation.

SEC. 6. Such corporation shall have power to raise, import, purchase, keep, breed and sell horses, and do all other acts and things necessary or convenient to carry out the objects of its incorporation.

By Laws, &c.

SEC. 7. The corporation, trustees, or directors, as the case may be, of any corporation organized under this act, shall have power to make such by-laws, not inconsistent with the laws of this state, as may be deemed necessary for the government of its officers, and the conducting of its affairs, and the same to alter and amend at pleasure; they may also prescribe such rules and regulations for the sale and transfer of the stocks of the company as they may deem just and expedient.

Approved March 17, 1859.

[*Published April* 1, 1859.]

CHAPTER 146.

AN ACT to amend section forty-five, chapter twenty-three of the revised statutes, entitled "Of common schools."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Sub-section four, of section forty-five, of chapter twenty-three of the revised statutes, is hereby amended by adding the words, "excepting such moneys as towns may raise for school purposes by a special tax, in addition to the tax imposed by the county boards in pursuance of section fifty-three, chapter eighteen, revised statutes; and all such moneys raised in addition to the amount required by law shall be apportioned among the several districts and parts of districts in each town, according to the assessed valuation of each district, or part of district, as it shall appear from the last equalized assessment roll of the town: *Provided always*, that a majority of the legal voters at any annual town meeting voting such tax shall not by vote decide to the contrary."

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 17, 1859.

[*Published April* 1, 1859.]

CHAPTER 147.

AN ACT to amend an act, entitled "An act to authorize the commissioners of school and university lands to remit penalties in certain cases," approved March 5th, 1859.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the act to which this act is amendatory, requiring an interest of seven per cent. to be paid upon the interest due on the fifth day of March, A. D. 1859, is hereby repealed. Repealed.

SEC. 2. This act shall be in force from and after its passage and publication. Take effect.

Approved March 17, 1859.

[*Published April* 21, 1859.]

CHAPTER 148.

AN ACT to provide for the removal of the county seat of Pepin county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the annual election to be held in the month of November next, the qualified electors of the county of Pepin may vote upon the question of the removal of the county seat of said county from Pepin (the present county seat) to the south-west quarter of the north-west quarter of section twenty-two (22), in township number twenty-five (25) north, of range number thirteen (13) west, in said county of Pepin. Election, when held.

SEC. 2. All votes given upon the question aforesaid shall be by ballot, upon which shall be written or printed either the words, "For the removal of the county seat," or "Against the removal of the county seat;" said ballots shall be deposited by the inspectors of elections in s eparate box, to be by them for that purpose prepared; Vote, to be by ballot.

and in case a majority of all the votes cast on the question shall be in favor of removal to [the] place above designated, then shall said place be the county seat of said county.

Canvassed and returned.

SEC. 3. The votes as above provided shall be canvassed and certified, and the result ascertained and declared, by the same officers, at the time and in the manner provided by law for canvassing, certifying, and ascertaining the result of elections of state or county officers; and such result, when so ascertained, shall by the canvassing officers be reduced to writing, and by them certified to be in all respects true and correct; and when the same is so reduced to writing, and certified to be in all respects true and correct, the clerk of the board of supervisors shall record the same in some county record book in his office, and shall without delay, by mail, transmit the original to the secretary of state at Madison, who shall, upon the receipt thereof, file and preserve the same.

Take effect.

SEC. 4. This act shall take effect from and after its passage.

Approved March 17, 1859.

[*Published April* 1, 1859.]

CHAPTER 149.

AN ACT to amend chapter one hundred and forty-five of the Revised Statutes, being chapter forty-nine of session laws of 1858, entitled "Of the rights of defence of mortgagors in certain cases."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chapter amended.

SECTION 1. The first section of chapter forty-nine of the general laws of 1858, entitled "An act declaratory of the rights of defence of mortgagors in certain cases," incorporated into chapter one hundred and forty-five of the revised statutes as section one of chapter "forty-nine, acts of a general nature of 1858," is hereby amended so

How amended

as to read as follows, to wit: That in all actions now pending, or which may hereafter be brought, in any of the courts of this state upon any note, bond, or mortgage or other instrument in writing, given in payment for or on account of subscription to the capital stock of any railroad or other company, or to secure the payment of any subscription to the stock of any railroad or other

company, the maker of any such note, bond, or mortgage or other instrument in writing, may set up by answer as a defence thereto, that the same were obtained by fraud or false representation; and if, upon the trial of such action, the defence so set up shall be sustained, then the verdict of the jury, or the decision of the court therein, shall be for the defendant or defendants in said action.

SEC. 2. That this act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 17, 1859.

[*Published April* 2, 1859.]

CHAPTER 150.

AN ACT to amend section two of chapter seventy-three of the revised statutes, entitled "Of joint stock companies."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two, of chapter seventy-three, of the revised statutes, is hereby amended so as to include joint stock companies for the purpose of building and maintaining bridges across navigable streams between two counties. How amended

SEC. 2. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 17, 1859.

Published April 2, 1859.

CHAPTER 151.

AN ACT relating to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter one hundred and fifty of the revised statutes.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every ship, boat or vessel, of the burthen of twenty tons or upwards, used in navigating the waters of this state, shall be liable for, and the following causes of action shall constitute, a lien on such ship, boat or vessel: Vessels liable

1. For all debts contracted by the master, owner, agent or consignee thereof, on account of supplies furnished for For what debts.

the use of such boat or vessel, or on account of work done or services rendered on board of such boat or vessel, or on account of labor done or materials furnished by mechanics, tradesmen, or others, in and for building, repairing, fitting out, furnishing or equipping such boat or vessel.

2. For all sums due for wharfage, towage or anchorage of such boat or vessel within this state.

3. For all demands or damages accruing from the non-performance or mal-performance of any contract or affreightment, or any contract touching the transportation of persons or property, entered into by the master, owner, agent, or consignee of the boat or vessel on which such contract is to be performed; and

4. For all damages arising from injuries done to persons or property by such ship, boat, or vessel: *Provided*, however, that no person employed as master or otherwise on board of any such boat or vessel, to collect or receive freights or passage money, shall have any lien as provided in this act, or be entitled to his action in accordance with its provisions.

Proviso.

Actions, how instituted.

SEC. 2. Any person having a demand as aforesaid, in stead of proceeding for the recovery thereof against the master, owner, agent, or consignee of a boat or vessel, may, at his option, institute an action against such boat or vessel by name.

Complaint, to specify.

SEC. 3. Any person wishing to institute an action against a ship, boat or vessel, under the provisions of this chapter, shall make a complaint in writing, specifying the particulars of his demand, on whose account the same accrued, the amount due to the creditor or claimant over and above all payments and discounts, as near as may be; and such complaint shall be verified by such creditor or claimant, or by some other person or persons for him.

How entered upon docket.

SEC. 4. On filing such complaint with the clerk of the circuit court, he shall enter the same in his docket as a civil action, making the person named as claimant in such complaint, the plaintiff, and the name of the ship, boat or vessel, the defendant; said clerk shall thereupon issue a warrant, under the seal of said court, directed to the sheriff of the county, commanding him to attach, seize, and safely keep such ship, boat or vessel, her tackle, apparel and furniture, if to be found within his bailiwick, to answer all such liens as shall be established against it in favor of the plaintiffs, or in favor any other person or ns, as provided in this chapter, and to make return

Duty of clerk.

of his proceedings on such warrant within ten days after the service thereof.

Duty of sheriff

SEC. 5. The sheriff to whom any such warrant shall be directed and delivered, shall forthwith execute the same, and shall keep the boat or vessel, and other property seized by him, to be disposed of as hereinafter directed.

Warrants.

SEC. 6. Whenever any such warrant shall be issued, no other warrant shall issue against the same ship, boat or vessel, whilst proceedings are pending under such first warrant, unless such ship, boat or vessel, shall be discharged from custody as hereinafter provided.

Return of warrant.

SEC. 7. Upon return being made to such warrant, the clerk of the circuit court issuing the same shall, unless such warrant shall have been discharged by giving bonds as hereinafter provided, thereupon, and within ten days after such return, cause the notice hereinafter specified to be published in a newspaper printed in the county in which the warrant shall have been issued, if there be one, and if there be none printed in such county, then in such paper (*as they*) as the clerk may direct, once in each week, for three weeks successively; and in case there be a daily paper published in such county, then such notice shall be published daily for twenty days.

Publication of notice.

Notice, to contain.

SEC. 8. Such notice shall contain the following matters:

1. It shall state the issuing of such warrant, the name of the ship, boat or vessel seized, the name of the person on whose application such warrant was issued, the date of the issue thereof, and the amount claimed by the plaintiff upon whose application the same was issued.

2. It shall require all persons who claim to have any demand against such ship, boat or vessel, her tackle, apparel or furniture, under the provisions of this chapter, to file their complaints for their respective claims or demands against such ship, boat or vessel with such clerk.

3. It shall state that such ship, boat or vessel, her tackle, apparel and furniture will be sold for the payment of the claims which shall be established against it, unless the owner, consignee, or commander thereof, or some other person interested therein, appear and discharge such warrant according to law.

Person having lien, to file complaint

SEC. 9. Any other person having a lien under the provisions of this chapter upon the property so seized, may file with the clerk of the circuit court from which such warrant issued, a complaint in writing, specifying therein the particulars of his claim or demand, and all other facts

required to be stated in the complaint of the party ap plying for the warrant, and verified in the same mann as said first complaint; and on filing such complaint, th said clerk shall enter the same as a civil action, makin the person so filing his complaint, plaintiff, and the nam of the ship, boat or vessel, defendant; and he shall then upon be deemed an attaching creditor, and be entitled t the same benefits as though the warrant had issued at hi instance.

May appear in defence.

SEC. 10. The owner, agent, consignee, master or othe person interested in such ship, boat or vessel, may ap pear and defend in any actions commenced under the pro visions of this chapter.

Complaint and answer.

SEC. 11. In actions against a ship, boat or vessel under the provisions of this chapter, the complaint re quired to be filed in the first instance, shall be the only complaint required on the part of the plaintiff therein. The answer of the defendant and the other pleadings practice and proceedings of the parties, and the trial of issues of law and fact shall be had as near as may be, as in other civil actions.

Answer, when made.

SEC. 12. The time within which the person or persons authorized to defend in an action pending under the pro visions of this chapter, may answer or demur to the complaint of the plaintiff in such action, shall in each case be prescribed by the circuit court or the judge there of, or by a court commissioner, by rule or order for that purpose granted on application of the plaintiff. If any party appear, his answer or demurrer shall be filed in the office of the clerk.

If not answered.

SEC. 13. If no person properly authorized shall appear on the part of the defendant in an action pending under the provisions of this chapter, and file an answer or de murrer within the time limited by such rule or order, the plaintiff in such action may apply to the court for judg ment, and upon filing proof of the publication of such notice, the said court shall enter a judgment in favor of such plaintiff for the amount claimed in the complaint, with costs and disbursements, as in other actions.

Application for discharge.

SEC. 14. The owner, consignee, agent or master of any ship, boat or vessel seized by virtue of any warrant issued pursuant to the provisions of this chapter, may, at any time before an order of sale shall be made, as hereinafter mentioned, apply in person or by attorney to the clerk of the circuit court who issued the warrant, for an order to discharge the same.

SEC. 15. Upon such application, the person making the

me, shall deliver to the clerk, an undertaking, executed himself, and at least two sureties, residents and freeolders of this state, to be approved by such clerk; to the ect that the sureties will pay on demand to the plaintiff to the plaintiffs in the action, or if there be more than e action pending to the plaintiffs in the several actions nding against such ship, boat or vessel, the amount of e final judgment or judgments, which may be recover- against such ship, boat or vessel in said action, tother with all costs; which undertaking shall be in at ast double the amount claimed by the said plaintiff or aintiffs, and shall in no case be less than two hundred llars. Sureties to be given.

SEC. 16. If at the time of making such application, ere shall be any final judgment or judgments rendered gainst such ship, boat or vessel, in any action or actions mmenced at the time of, or subsequent to the issuing of ch warrant, under the provisions of this chapter, the erson so applying for the release of such ship, boat or ssel, and for a discharge of the warrants, shall also pay l such final judgments, unless an appeal has been taken om such judgment or judgments, in which case they hall be considered actions pending under the preceding rovisions of this chapter. Unsatisfied judgments.

SEC. 17. Upon such undertaking being executed and elivered, and upon the payment of the judgments spe- ified in the preceding section, the said clerk shall therepon grant an order discharging the vessel, and thereafter he action or actions shall proceed as if the vessel were n custody; and judgment may be rendered against the rincipal and sureties in such undertaking. Discharge of vessel.

SEC. 18. On the production to the sheriff, or other fficer having in custody such ship, boat or vessel, of a ertified copy of the order discharging the warrant, he hall deliver her with her tackle, apparel and furniture to he person or persons obtaining such order. Duty of sheriff.

SEC. 19. Upon final judgment in favor of any plaintiff r plaintiffs in such action or actions, the clerk shall, in ases where the vessel has not been released as hereinbeore provided, issue an order of sale, directed to the sheriff, ommanding him to sell such ship, boat or vessel, with er tackle, apparel and furniture, and to bring the entire roceeds thereof into court. Such order of sale shall e under the seal of the court, and shall recite the parties to the judgment, and the amount thereof upon which he same was issued; *Provided, however*, that there shall e but one order of sale issued; *Provided further*, that Directing sale &c. Provisos.

upon application of the owner or owners of such boat vessel seized under the provisions of this act, the jud of the circuit court, or a court commissioner, may, any time after the seizure thereof and before judgme make and enter an order of sale of such boat or ves so seized, due notice thereof being given to all parties provided in the 20th section of this act.

Notice of sale

SEC. 20. Upon the receipt of such order, the she shall proceed to sell the ship, boat or vessel so seized him, her tackle, apparel and furniture at public sale, fi giving at least twenty days public notice thereof by a vertisement in some newspaper printed in the county, a if there be a daily paper in said county, such notice sh be printed daily, and the purchaser at such sale shall a quire title to the ship, boat or vessel so sold, free a discharged of all liens thereon, created by this act a existing at the time of such sale.

Returns, how made.

SEC. 21. The sheriff shall return said order forthwi after such sale with his proceedings under the same, a the entire proceeds of such sale he shall pay into cou to be distributed and paid as hereinafter directed.

Application for payment.

SEC. 22. At any time after the return made by th sheriff, as provided in the preceding section, the plaint in any action against such ship, boat or vessel, who sha have obtained a final judgment in such action in his fa vor, may apply to the circuit court or to the judge such circuit court in vacation, for an order directing th payment out of said proceeds, of such sum as the plai tiff may be entitled to; eight day's notice of such appl cation shall be given to the plaintiffs or their attorney i any other actions pending against such vessel.

Notice.

Hearing of application.

SEC. 23. On the hearing of such application by th judge or court, if it shall appear that final judgment ha been entered in all the actions pending against such shi boat or vessel, under the provisions of this chapter, an if it shall also appear that the proceeds of the sale of su ship, boat or vessel, in the hands of the sheriff, are suf cient to pay all such judgments which shall have bee rendered against such ship, boat or vessel, as shall rema unsatisfied at the time of the hearing of such applicatio together with all costs the court or judge shall order th payment to the plaintiffs in such action, or their attorne the sum due to them on their respective judgments, an all moneys remaining in court after such payment, sha be paid to the owner of such vessel, or other person o persons who may show themselves entitled thereto.

Remaining moneys.

SEC. 24. If the proceeds arising from the sale of an

p, boat or vessel, shall not be sufficient, after deduct- all costs and legal charges, to satisfy all the judg- nts rendered against it as herein provided, the court judge shall order a fair and just distribution of such oceeds among the parties in whose favor judgments ve been rendered under the provisions of this chapter, ainst such ship, boat or vessel, in a just and equal oportion to the amount of such judgments respectively; *rovided*, that all costs and all judgments rendered ainst such ship, boat or vessel, under the provisions of is chapter, for seaman's wages, shall be first paid out the proceeds of such sale.

In case of deficiency.

Proviso.

SEC. 25. If, on the hearing of such application for yment out of the proceeds of such ship, boat or vessel, aforesaid, it shall appear to the court or judge before hom such application is pending, that there is any action actions pending against such ship, boat or vessel, in hich final judgment has not been entered at the time of ch hearing, and that the proceeds of the sale in the nds of the sheriff, are not sufficient to pay all the judg- ents rendered against such ship, boat or vessel, and hich remain unsatisfied, together with the sum or sums laimed in the complaints of the plaintiff or plaintiffs in hose actions in which final judgment has not been ren- ered, the court or judge may, in his discretion, refuse o make an order for the payment of the judgment or dgments then rendered, or any part thereof, until after nal judgment shall be rendered in all the actions pending gainst such ship, boat or vessel, or the court or judge ay make an order, directing the payment of a propor- ion of the judgments then rendered; *Provided*, that the ayment of such proportion will leave [of] the proceeds of uch sale, a sum sufficient to pay an equal proportion of he sums claimed by the plaintiffs in those actions which re still pending and undetermined, together with such osts as will accrue thereon, should judgments be there- fter rendered in such actions for the whole amount laimed.

Actions, not completed.

Proviso.

SEC. 26. If an order shall be made for the payment of portion of any judgment or judgments under the pro- isions of section twenty-four of this chapter, the court hall, at the time of rendering judgment in favor of any laintiff in an action, which was undetermined at the time f making such first order, make an order directing the ayment of a like portion of the judgment so rendered; nd if after final judgment shall be rendered in all the ases pending against such ship, boat or vessel, there

Payment of judgments.

shall remain any part of the proceeds of the sale of su ship, boat or vessel, applicable to the payment of t balance due on such judgments, the court shall make further order, directing payment to the plaintiffs in su judgments, such balance in just proportion according the amounts due on such judgments respectively.

Where process issues from U. S. court.

SEC. 27. No proceedings under this chapter, to enfor the liens authorized by the provision thereof, shall had against any vessel which shall have been seized virtue of process issuing from any court of the Unit States while such vessel is actually held under such se zure; nor against any vessel which shall have been so under any decree or order of a court of admiralty juri diction, except for debts contracted or damages sustain after such sale; but nothing in this section contained sh be construed to impair the validity of any liens creat by this chapter, the payment of which shall be decre in any court in the United States.

Commencement of suit.

SEC. 28. All actions against a ship, boat or vessel under the provisions of this chapter, shall be commenced within one year after the cause of such action shall have accrued.

Appeals.

SEC. 29. Appeals may be taken from all final judgments of the circuit courts rendered under the provisions of this chapter, the same as in other civil actions, or writs shall lie as in other cases.

Fees.

SEC. 30. Sheriffs and other officers shall receive the same fees and compensation for their services under this chapter, as are allowed them in proceedings on an attachment in other actions.

Relating to judgments.

SEC. 31. If a plaintiff in an action under the provisions of this chapter, recover a judgment for twenty-five dollars or more, he shall recover his costs and disbursements as in other actions in the circuit court; if a plaintiff recover less than twenty-five dollars, he shall recover only his disbursements, unless the defense shall have been in the opinion of the court unreasonably or unfairly conducted, in which case he shall recover costs and disbursement, irrespective of the amount recovered., If there be an appearance on the part of the defendant, and the plaintiff for any reason fail to recover in the action, the defendant shall recover his costs and disbursements against such plaintiff.

Same

SEC. 32. If the judgment be rendered against the plaintiff upon whose application the warrant was issued, such judgment shall not affect the proceedings under such warrant if there be a judgment or judgments in any other

ction or actions against such ship, boat or vessel, instituted under the provisions of section 9, of this chapter, r if there be any such action or actions so instituted till pending against such ship, boat or vessel.

SEC. 33. No judgment shall be rendered in favor of a laintiff in action instituted under the provisions of this hapter, unless the claim or demand upon which such action is founded, is a lien on the ship, boat or vessel proceeded against under the provisions of this chapter, and very judgment rendered in such action in favor of the laintiff therein, shall expressly adjudge that the claim r demand of the plaintiff for which judgment is rendered is a lien on such ship, boat or vessel, under the provisions of this chapter. Must be founded on lien.

SEC. 34. Before any warrants shall issue under the rovisions of this chapter, the plaintiff, or some one in is behalf, shall make and file with the clerk of the court rom whence warrant is to issue, an undertaking in the um of two hundred dollars, conditioned to the effect that he plaintiff will pay all costs which may be adjudged gainst him in the action. Surety, to be given.

SEC. 35. Any person having such a claim or cause of ction as is specified in section one of this chapter, may t any time before any order for distribution or payment f proceeds be made, commence his action as provided n section nine; and if after a sale of the vessel, the same roceedings shall be had thereon as though commenced rior to such sale; and if after an order of distribution r payment, there shall remain any surplus of proceeds n court to which the owner of the boat or vessel ould be entitled, any person or persons having such laims or rights of action as aforesaid, may institute an ction as provided in section nine, and the same proceedings shall be had therein as though commenced prior to uch order of distribution or payment; and the plaintiff n such last mentioned actions shall be entitled to share n, and have distributed to them such surplus proceeds in ne proportions, and the same as they would have been ntitled to share in the entire proceeds of sale, had they ommenced action or actions prior to any order of distribution or payment. When actions may be commenced. Proceeds, how distributed.

SEC. 36. Chapter one hundred and fifty of the revised atutes of Wisconsin, entitled "of proceedings for the ollection of demands against boats and vessels," is hereby repealed. Repealed.

SEC. 37. No proceedings shall be instituted under the rovisions of this act against any boat or vessel used ex- Actions, when and for what, commenced.

clusively in navigating the inland waters of this state, unless the same shall be commenced within six months after the cause of action shall have occurred, nor shall any such boat or vessel be liable for any other than the causes of action following, to-wit:

1st. On accounts of workdone, or services rendered as master or seaman on board of such boat or vessel, or on account of labor performed or materials furnished by mechanics, tradesmen or others, in, and for building, repairing, fitting out, furnishing or equipping such boat or vessel.

2d. On account of the non-performance or mal-peformance of a contract of affreightment or any contract touching the transportation of persons or property, entered into by the owner, master or other authorized agent of the boat or vessel.

3d. On account of supplies furnished for the use of such boat or vessel, or of towage, lockage or wharfage of such boat or vessel.

Take effect.

SEC. 38. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1859.

[*Published April* 4, 1859.]

CHAPTER 152.

AN ACT to appropriate to Edward M. McGraw, state prison commissioner, a certain sum of money therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amount appropriated.

SECTION 1. There is hereby appropriated to Edward M. McGraw, state prison commissioner, out of any money in the state treasury not otherwise appropriated, the sum of forty-nine thousand five hundred dollars, as follows:

For what purpose.

Thirty thousand dollars to defray the current expenses of the state prison for the year 1859; eleven thousand eight hundred and eighty-eight dollars to pay up past indebtedness; seven thousand dollars to purchase material for the construction of shops within the prison yard, and a wall around the same; and six hundred and twelve dollars to purchase furniture for the main building of the state prison. The said thirty thousand dollars to be drawn from the treasury quarterly in advance, to commence on the first day of January, and the said commissioner shall

return a detailed account of his disbursements to the governor at the end of each quarter.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 17, 1859.

[*Published April* 4, 1859.]

CHAPTER 153.

AN ACT in relation to the jurisdiction of justices of the peace in certain cases.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any justice of the peace shall have jurisdiction in his own county of any offence mentioned in section fifty-six (56), of chapter one hundred and sixty-five (165), of the revised statutes of this state, where the value of the trees, wood, timber, mineral, earth or stone, shall be alleged not to exceed the sum of one hundred dollars, and in such cases the punishment shall be by fine not exceeding one hundred dollars, nor less than ten dollars; and in all such cases where judgment for fine and costs of prosecution is rendered, the defendant shall stand committed to the county jail until the judgment is satisfied, or until he be discharged therefrom by due course of law; saving to every person who may be convicted before the justice the right to appeal as in other cases. Jurisdiction. Commitment.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 17, 1859.

[*Published April* 4, 1859.]

CHAPTER 154.

AN ACT relating to judgments in certain cases.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In actions for the recovery of money in which the defendant in his answer shall have stated new matter constituting a counter claim if the amount of such counter claim duly established, at the trial be equal to Actions for recovery of money.

the plaintiff's claim as established at the trial, judgment shall be entered that the plaintiff take nothing by his action. If such counter claim be less than such claim of the plaintiff's, the plaintiff shall have judgment for the balance, and if in such action a balance is found to be due from the plaintiff to the defendant, judgment shall be entered in favor of the defendant for the amount thereof.

Set-offs.

SEC. 2. Set-off shall be hereafter regarded by the courts of this state as a species of counter claim, and the same shall be regulated and governed in all actions by the rules of practice, and pleading applicable to counter claims.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its publication.

Approved March 17, 1859.

[*Published April* 4, 1859.]

CHAPTER 155.

AN ACT in relation to appeals and writs of error in certain cases.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Dismissal of appeal.

SECTION 1. Whenever an appeal shall be taken to the supreme court from the judgment or order of an inferior court, and security has been given to stay the proceedings on such appeal, or when a writ of error has been issued upon a judgment in a civil action, and proceedings stayed by giving bond or an undertaking as now required by law, the appellant or plaintiff in error shall not be allowed to dismiss the appeal or writ of error upon his own application, except upon the payment of all the costs of appeal or writ of error and proceedings thereon, and upon such other terms as the court may impose and order; and in all cases of such dismissal, the bondsmen and sureties given on taking such appeal, or in issuing such writ, shall be liable for the payment of all such costs and additional sums of money as may be imposed by the court on the dismissal, to be recovered by action on their bond or undertaking, as in other cases.

Costs to be paid.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1859.

[*Published April* 4, 1859.]

CHAPTER 156.

AN ACT to repeal section fifty-three, of chapter one hundred and sixty-nine, of the revised statutes, entitled "Of offences against public policy."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifty-three of chapter one hundred and sixty-nine, of the revised statutes, now in force, is hereby repealed. Repealed.

SEC. 2. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 17, 1859.

[*Published April* 4, 1859.]

CHAPTER 157.

AN ACT concerning the registry of judgments.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All judgments, decrees, and orders rendered or made by any court, in cases where the title to land shall have been or shall hereafter be in controversy, may be recorded in the office of the register of deeds of the county where the land is situate, in the same manner and with the like effect as deeds or other instruments of conveyance; such recording may be done from a copy of any such judgment, decree or order, certified in such manner as required in order to make it admissible in evidence. Recording of decrees, &c.

SEC. 2. This act shall be printed by the state printer immediately after its passage, and when so printed shall take effect and be in full force. Take effect.

Approved March 17, 1859.

[*Published April* 4, 1859.]

CHAPTER 158.

AN ACT to amend sections twelve, thirteen and fourteen of chapter forty-seven of the revised statutes, entitled "of recording town plots and of town sites on public lands."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of chapter forty-seven of the revised statutes, entitled "Of recording town plats Relating to town plats.

and of town sites on public lands," shall be so amended as to read as follows: The circuit courts are hereby authorized and empowered, on application made by the proprietor or proprietors of any town, city or village, within their proper county, to alter or vacate any town or any city or village plot, or any part thereof.

Notice of vacation.

SEC. 2. Section thirteen of the aforesaid chapter shall be so amended as to read as follows: If any proprietor or proprietors of a town, city or village, shall be desirous of altering or vacating the same or any part thereof, such proprietor or proprietors shall give notice in writing of such intended application in at least two of the most public places in the county wherein such town, city or village may be situated, by posting notice of such application, and insert a copy thereof in a newspaper printed, or in circulation, in said county, at least sixty days prior to the sitting of the court to which he or they intend to make application.

Amendment.

SEC. 3. Section fourteen of the aforesaid act shall be amended by adding and inserting after the word "town," and before the words "or any part thereof," in the fifth line of the printed section, the following words: "or any city or village plot."

Take effect.

SEC. 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1859.

[*Published April* 4, 1859.]

CHAPTER 159.

AN ACT to provide for the docketing judgments rendered in the county courts of this state having civil jurisdiction.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Filing judgment roll.

SECTION 1. On filing a judgment roll upon a judgment now or hereafter rendered in any county court of this state having civil jurisdiction, directing in whole or in part the payment of money, the same may be docketed with the clerk of the county court where such judgment was rendered, and may be docketed in any other county, upon filing with the clerk of the county court or with the clerk of the circuit court in the counties in which the county court has not civil jurisdiction, a copy of the original "docket," and the same shall be a lien upon real property in the counties

To be a lien.

where it is docketed, with the same force and effect as if rendered in any circuit court of this state, and docketed according to the provisions of chapter one hundred and thirty-two of the revised statutes now in force, and all the provisions of the said chapter one hundred and thirty-two in regard to the duties of the clerk of the circuit court in docketing judgments rendered in any circuit court of the state, and the manner of docketing the same and enforcing the same by execution or otherwise, shall apply to the clerks of the circuit and county courts in docketing judgments of the county courts under this act.

Application of this act.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Take effect.

Approved March 17, 1859.

[*Published April* 5, 1859.]

CHAPTER 160.

AN ACT to prescribe and limit the rate of interest.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The rate of interest upon the loan or forbearance of any money, goods, or things in action, shall be seven dollars upon one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time; but it shall be competent for parties to contract for the payment and receipt of a rate of interest not exceeding twelve dollars on the one hundred dollars, as aforesaid, in which case, such rate exceeding seven dollars on the one hundred dollars, shall be clearly expressed in writing.

Relating to interest.

SEC. 2. No person, company, or corporation shall directly or indirectly take or receive in money, goods, or things in action, or in any other way, any greater sum, or any greater value, for the loan or forbearance of money, goods, or things in action, than is prescribed in section one of this act.

No greater sum to be received.

SEC. 3. Every person who, for any such loan or forbearance, shall have paid or delivered any greater sum or value than is above allowed to be received, may by himself, or his personal representative, recover in an action against the person who shall have taken or receiv the same, or his personal representative, treble amount of the money so paid or value delivered, above

May recover treble damages.

Commencem't of action.

the rate aforesaid, if such action shall be brought within one year, after such payment or delivery.

Declared void

SEC. 4. All bonds, bills, notes, assurances, conveyances, and all other contracts and securities whatsoever, (excepting bottomry and respondentia bonds and contracts,) and all deposits of goods, or anything whatsoever, whereupon or whereby there shall be reserved, secured, or taken, any greater sum or value for the loan or forbearance of any money, goods, or things in action, than is above prescribed, shall be void, whether the sum or value so secured, received or taken, shall appear in or from such bond, bill, note, assurance, conveyance, or contract, or otherwise; *Provided*, that this act shall not be construed to interfere with contracts heretofore made in accordance with existing laws.

Proviso.

Answers, how made.

SEC. 5. Every person, company, or corporation, offending against the provisions of this act, shall be compelled to answer, on oath, any complaint that may be exhibited or filed against him in the circuit court, for the proper county, for the discovery of any sum of money, goods, or things in action, so taken, accepted, or received, in violation of any of the foregoing provisions.

Commencing actions.

SEC. 6. Whenever any borrower of any money, goods, or things in action, shall commence an action in the circuit court for the proper county, for the discovery of money, goods, or things in action, taken or received in violation of any of the provisions of this act, it shall not be necessary for him to pay or offer to pay any interest whatever on the sum or thing loaned; nor shall any court require or compel the payment or deposit of the principal sum, or any part thereof, as condition of granting relief to the borrower in any case of usurious loan forbidden by this act.

Relating to witnesses.

SEC. 7. Whenever in an action in any court, the defendant shall plead or answer the defence of usury, either party to the action may be a witness in his own behalf on the trial, except in actions in which the opposite party sues or defends as administrator or personal representative of a deceased person, except, also, actions in which the opposite party claims as assignee, and the original assignor is deceased, and either party may be a witness as provided in this section, whether the opposite party is a corporation or otherwise.

Violation of this act.

SEC. 8. Whenever it shall satisfactorily appear to a court that any bond, bill, note, assurance, pledge, conveyance, contract, security, or other evidence of debt, has been taken or received, in violation of the provisions

of this act, the court shall declare the same to be void, and enjoin any prosecution thereon, and shall order the same to be cancelled and delivered up.

SEC. 9. This act shall not in any manner affect the operation of an act to authorize the business of banking, approved April 19, 1852. **Effect of this act.**

SEC. 10. So much of any act as conflicts with the provisions of this act, is hereby repealed, and this act shall take effect from and after its publication. **Repealed.**

Approved March 17, 1859.

[*Published April* 5, 1859.]

CHAPTER 161.

AN ACT to relieve the county of Dane from penalties incurred under sections one and two of chapter one hundred and fifty-two of the general laws of 1858, entitled "An act to provide means to pay state indebtedness."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the interest money charged to the county of Dane, under and by virtue of sections one and two of chapter one hundred and fifty-two of the general laws of 1858, entitled "An act to provide means to pay state indebtedness," is hereby remitted; and all moneys paid under the provisions of sections one and two of the aforesaid act, shall be refunded by the state to the county of Dane, by application of the board of supervisors for the same. **Interest remitted.**

SEC. 2. This act shall take effect and be in force from and after its passage. **Take effect.**

Approved March 17, 1859.

[*Published April* 5, 1859.]

CHAPTER 162.

AN ACT to relieve the county of Racine from the further payment of a portion of the state tax charged to said county for the year 1858.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county of Racine is hereby released from the further payment into the state treasury of the sum of five thousand four hundred and three dollars and **Release from State tax.**

fifty-eight cents, of the amount remaining unpaid of the state tax for the year 1858, and is also released from any and all penalties arising from the non-payment of any portion of the state tax for said year.

Take effect. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

[*Published April* 5, 1859.]

CHAPTER 163.

AN ACT to relieve the county of Kenosha from the further payment of state tax charged to said county of the state tax of 1858.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Release from state tax. SECTION 1. The county of Kenosha is hereby released from the further payment into the state treasury of any sum remaining unpaid of the state tax for the year 1858, also from all penalties arising from the non-payment of the same.

Take effect. SEC. 2. This act shall take effect from and after its passage.

Approved March 17, 1859.

[*Published April* 5, 1859.]

CHAPTER 164.

AN ACT to provide for the drainage and reclamation of the swamp and overflowed lands in the counties of Calumet, Brown, Oconto, Kewaunee and Door.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Fund how appropriated, in certain cases. SECTION 1. All interest moneys appropriated for the year 1859, and paid over to the several counties of Calumet, Brown, Oconto, Kewaunee and Door, in conformity with the provisions of the act entitled "An act to provide for disposing of the drainage fund and the distributing of the interest thereof," approved April 30, 1858, shall be appropriated and expended in the construction of roads therein, as follows, viz:

Expended. 1st. A state road leading from the city of Green Bay,

in the county of Brown, to Marinette, in the county of Oconto.

2d. A state road leading from Green Bay, in the county of Brown, to Ahnapee, in the county of Kewaunee.

3d. A state road leading from Bay Settlement, in the county of Brown, to Sturgeon Bay, in the county of Door.

4th. A road leading from the Crossing of Duck Creek, in the county of Brown, to Shawanaw, in the county of Shawanaw.

5th. Any public highway in the county of Calumet.

Commissioners, their appointment and duties.

SEC. 2. The moneys apportioned to each of said counties shall be expended by the commissioner appointed by the board of supervisors, and shall be applied exclusively within the county to which the same shall have been apportioned, and not more than three hundred dollars shall be expended upon any one mile of road.

May make rules, &c.

SEC. 3. The board of supervisors of the several counties may make such rules and regulations as they may deem proper, prescribing the manner in which the duties enjoined by this act upon the commissioners shall be discharged, and whenever any work shall be completed in conformity to such regulations, the fact shall be certified under oath by the commissioner having the same under his direction, and thereupon payment shall be made thereof out of the fund applicable to that purpose and no other.

In case of neglect or refusal

SEC. 4. If any commissioner, supervisor, treasurer or other officer whose duty it may be to carry into effect the provisions of this act, shall be directly or indirectly interested in any contract, or shall use for any other purpose or in any manner misapply any of the moneys herein appropriated for the construction of any of said roads, or shall neglect or refuse to carry into effect the provisions of this act, every such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one thousand no less than one hundred dollars.

Penalty.

Fund, as hereafter apportioned

SEC. 5. The board of supervisors of the several counties named in the first section of this act, shall expend the moneys appropriated to such counties after the year 1859, from interest of the drainage fund, in the construction of roads and bridges in their several counties.

Take effect.

SEC. 6. This act shall take effect immediately.

Approved March 17, 1859.

[*Published April* 5, 1859.]

CHAPTER 165.

AN ACT to authorize William S. Huntington, a minor, to convey and devise real estate and personal property, and to transact other business the same as he might lawfully do if of legal age.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Minor, constituted of legal age.

SECTION 1. William S. Huntington, a minor, residing in the city of Beaver Dam, Dodge county, Wisconsin, may hold, grant, bargain, sell, release, convey, devise and bequeath real and personal property, and any right, title, interest and estate therein, and the rents, issues and profits thereof, and may transact any other business, in like manner and with the like force and effect, as if he were of lawful age.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

[*Published April* 6, 1859.]

CHAPTER 166.

AN ACT to amend certain sections and chapters of the revised statutes therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Relating to mortgages.

SECTION 1. Section three, of chapter forty-five of the revised statutes, is hereby amended by striking out all of said section after the word "persons," and inserting in lieu thereof the words "mortgages so filed shall be as valid and binding upon all persons as if the property thereby mortgaged had immediately upon the execution of such mortgage, been delivered to and the possession thereof retained by the mortgagee."

SEC. 2. Section sixteen, of chapter ninety-three, of the revised statutes, is hereby amended by adding thereto as follows: "*Provided*, the court granting the license, may on application of the guardian for good cause shown, renew the same for such period as the court may deem proper, not exceeding two years from the date of such license."

Proviso.

Amendment

SEC. 3. Section twelve, of chapter ninety-four, of the revised statutes, is hereby amended by striking out all of

sub-division two of said section, after the word "owing."

SEC. 4. Section thirty-three, of chapter thirteen, of the revised statutes, is hereby amended by inserting after the word "town," when it first occurs in said section, the words, "having an area of thirty-six sections or less, according to the United States survey." Amendment.

SEC. 5. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 17, 1859.

[*Published March* 19, 1859.]

CHAPTER 167.

AN ACT to amend chapter 18, of the Revised Statutes, entitled "Of the Assessment and Collection of Taxes."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All property in this State, real and personal, not expressly exempted therefrom, shall be entered on the list of taxable property, in the manner prescribed by this act. What property is taxable.

SEC. 2. The terms "real property," "real estate" and "land," when used in this act, shall include, not only the land itself, but all buildings, fixtures, improvements, rights and privileges appertaining thereto. The term "personal property," shall include every tangible thing which is the subject of ownership, not forming part of any parcel of real property; also the capital stock, undivided profits; and all other means, not forming a part of the capital stock, of every company, incorporated or unincorporated, and every share or interest in such stock profits or means, by whatsoever name the same may be designated; and also, every share or interest, in any ship, vessel or boat, used in navigating any of the waters within or bordering on this State, whether such ship, vessel or boat, shall be within the jurisdiction of this State, or elsewhere. The term "money" or "moneys," shall include gold and silver coin and bank notes, whether in possession or on deposit, subject to be withdrawn in money on demand. The term "credit," when used in this act, shall mean and include every demand for money, labor or other valuable thing, whether due or to become due, and all money invested in property of any kind, secured by deed, mortgage or otherwise; and every annuity, due or to become due; *Provided*, that pensions

"Real property," etc. "Personal property." "Money," or "moneys." "Credit."

receivable from the United States, or from any of them, salaries or payments expected to be received for labor or services expected to be performed or rendered, shall not be deemed annuities within the meaning of this act.—The words "personal property," when used in this act in their general sense, shall include all taxable property, other than real property. The word "village," when used in this act, shall include every place which is laid out in lots or blocks, other than incorporated cities; the word "city," shall include only such places as are incorporated as cities. The words "he," "his" or "him," when so used as to refer to a female, shall be held to mean "she," "hers" or "her," and when so used as to refer to more than one person, "they," "theirs" or "them," as the sense may require. In complying with the provisions of this act, persons conscientiously opposed to taking an oath, may substitute an affirmation therefor; and in all such cases the word "swear" shall be held to mean "affirm," and the word "oath" shall be held to mean "affirmation."

"Village

"City."

"Oath" or "affirmation"

PROPERTY EXEMPT FROM TAXATION.

SEC. 3. The property described in this section, to the extent herein limited, shall be exempt from taxation:

Property exempt.

1st. All buildings used exclusively as public school houses, places of public worship, or both, with the furniture and books therein contained, used exclusively for the accommodation of schools or religious meetings, together with the grounds occupied thereby, not exceeding, in any one case, ten acres; if not leased or otherwise used with a view to profit.

2d. All lands used exclusively as public grave yards.

3d. All buildings belonging to scientific, literary or benevolent associations, used exclusively for scientific, literary and benevolent purposes, together with the land, not exceeding forty acres, occupied by such institutions, if not leased or otherwise used with a view to profit; and all books, papers, furniture, apparatus and instruments, belonging to such associations, and used exclusively for scientific, literary or benevolent purposes.

4th. All moneys and credits belonging exclusively to universities, colleges, academies or public schools of any kind, or to religious, literary, scientific or benevolent institutions or associations, appropriated solely to sustaining such institutions or associations, not exceeding in amount, or in the income arising therefrom, the limit prescribed by the charter of such institution or association.

5th. All property belonging exclusively to this State or the United States.

6th. All property belonging exclusively to any county city, town or school district, except lands bid off for counties on tax sales.

7th. All works, machinery and fixtures, belonging to any town, city or village, used exclusively for conveying water to such town, city or village.

8th. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meeting of fire companies, whether belonging to any town, city or village, or to any fire company organized therein; also, all lands used exclusively for fair ground, by any State or county agricultural society, together with all personal property owned and used exclusively for such societies.

9th. Household and kitchen furniture, and beds and bedding, or other personal property, not exceeding in their aggregate value two hundred dollars.

10th. Provisions and fuel, provided by the head of a family to sustain the members thereof, for a period not exceeding six months; but no person from whom compensation for board is received, shall be deemed a member of the family, within the meaning of this act.

11th. The wearing apparel of every person, and all family pictures.

12th. All animals and animated things, not specified in the 8th section of this act.

13th. All public libraries, family libraries and the school books of every person and family, not exceeding in value in any one case, one hundred dollars for each person or family.

14th. Each person shall be entitled to exemption on other personal property, excepting money and credits, and the articles enumerated in the eighth section of this act, to an amount not exceeding one hundred dollars, to be selected by such person at the time of listing.

BY WHOM AND WHERE PROPERTY SHALL BE LISTED.

By whom property to be listed.

SEC. 4. Every person of full age and sound mind, not a married woman, shall list all personal property subject to taxation, of which such person is the owner, lessee or occupant, including all moneys in his possession, or subject to his order, check or draft, and all credits, except as by this act exempted, due or to become due, from any person, company or corporation, whether in or out of the county in which such person may reside or such company be located; *Provided*, however, that

Proviso.

money collected as agent for any person, company or corporation, which is to be transmitted immediately to such person, company or corporation, shall not be listed by such agent; but such agent shall, if required by the assessor, state, under oath, the amount of such money in his hands, and to whom the same is to be transmitted. *And Provided further*, that bona fide debts owing by any person, company or corporation, may be deducted from the gross amount of credits and value of personal property, belonging to such person, company or corporation; but no acknowledgement of indebtedness, not founded on actual consideration, shall be deemed a debt within the meaning of this act. The property of every ward shall be listed by his guardian; of every minor, by his father, if living and of sound mind, but if his father be not living or be insane, by his mother, and if neither father nor mother be living, by the person having such property in charge. The property of every wife shall be listed by her husband, if of sound mind and not absent from home; but if her husband be insane or absent her property shall be listed by herself. Any property held in trust for the benefit of another, shall be listed by the trustee. The property of every estate of a deceased person shall be listed by the executor or administrator. The property of persons and corporations; whose assets are in the hands of receivers, shall be listed by such receivers, and the property of every other corporation, company or firm, subject to taxation under this act, shall be listed by the principal accounting officer, or by an agent or partner thereof. Merchants' and manufacturers' stock, money and credit, shall be listed under two separate heads; merchants' and manufacturers' stock forming one item, and money and credits forming another item, in the statement required to be delivered to the assessor.

Where property is to be listed.

SEC. 5. Every person required to list property in behalf of others, shall list such property in the same town or city in which he would be required to list it if it were his own; but he shall list such property separate and apart from his own, specifying the name of the person, estate, company or corporation to which the same may belong. All toll bridges shall be listed in the town or ward where the toll is taken.

How property under lease is to be listed.

SEC. 6. Property held under lease, belonging to any religious, literary, scientific or benevolent institution or society, incorporated or unincorporated, shall be considered, for all the purposes of taxation, as the property of the person holding the same; and such property shall be

so listed by the person having charge thereof. But lands held under lease from any university, college, or other literary institution or society, granted by Congress for religious or schools purposes, shall not be required to pay any tax from which such lease-hold estate is exempt, by the law authorizing the lease.

Person listing to make oath to statement.

SEC. 7. Every person required by this act to list property, shall make out and verify by his oath, and at any time after ten days from the time of receiving notice to that effect from the assessor, shall deliver to said assessor, on demand, a statement of all personal property which by this act he is required to list, either as owner thereof, or as parent, guardian, husband, wife, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor.

Statement to set forth.

SEC. 8. Such statement shall truly and distinctly set forth—

1st. The number of horses over two years old.

2d. The number of neat cattle over two years old.

3d. The number of mules and asses over one year and a half old.

4th. The number of sheep over six months old.

5th. The number of hogs over six months old.

6th. The number of pleasure carriages of every description.

7th. The number of gold and silver watches.

8th. The number of piano fortes and melodeons.

The first day of June shall be taken as the period to which the ages of animal shall refer, to meet the above provisions. The eight items of personal property above specified, shall be known, as designated in this act, as "enumerated articles." The statement required to be given to the assessor, shall also contain, as distinct and separate items, the amount of moneys and credits, the amount of merchant's and manufacturer's stock, and the aggregate amount of all other articles of personal property, which the person making the statement is required to list; and he shall be required to make oath only to the value of personal property not exhibited to the assessor. And the person making out the above mentioned statement, shall also set forth in such statement the amount of indebtedness which he deducts from such personal property; and he shall be permitted to deduct no greater indebtedness than set forth as above required.

Property of corporations

SEC. 9. No person shall be required to include in his list of personal property, any portion of the capital stock of any company or corporation which is, by law,

exempt from taxation, or which is required to list its capital and other personal property, as a company or corporation, nor any portion of the capital stock of any company or corporation, which is required by law to pay tax on its capital, profits, or dividends; but all other incorporated companies shall be required to list, by their President, Secretary, or other accounting officer, the full amount of stock paid in and remaining as capital stock, at its true value in money, and such stock shall be taxed as other personal property.

Not to include property exempt.

SEC. 10. No person shall be required to include in his list of personal property any property which by this act is exempt from taxation.

Where no taxable property exists lister to make oath.

SEC. 11. If any person with whom the assessor shall have left a notice, requiring him to make out a statement of property for taxation, shall have no property which by this act he is required to list, either on his own account or in behalf of others, he shall set forth such fact on the blank statement left with him by the assessor, and shall make oath to the truth thereof.

RULES FOR VALUING PROPERTY.

Valuation of "real property," etc.

SEC. 12. Each parcel of real property shall be valued at its true value in money, excluding the value of crops which may be growing thereon. All real property belonging to any religious, literary, scientific or benevolent institution or society, as well as all school and university land, held under lease, except as provided in section six of this act, shall be valued at such price as the assessor believes such lease-hold estate would command in money.

Personal property.

Personal property shall be valued at the usual selling price at the place where the same may be held, but if there be no usual selling price known to the person required to fix a value thereon, it shall be valued at such price as is believed could be obtained therefor in money at such time and place.

Money.

Money, whether in possession or deposited subject to be withdrawn on demand, shall be entered in the statement at the full amount thereof; provided, that depreciated bank notes shall be entered at their current value.

Credits.

All credits, except those expressly exempted by this act, shall be listed for taxation. If a credit calls for a specific article or articles of property, or for a specific amount of labor or service, it shall be valued at the current price of such property, labor, or service.

Annuities.

Annuities shall be valued at such price as the person listing believes them to be worth in money. Manufactured articles remaining unsold in the hands of

the manufacturer, shall be valued at their true value in money. No person shall be required to list a greater portion of any credit than he believes to be collectable, nor a greater portion of an obligation given for the payment of rent than the amount which may then be actually due. No person shall be authorized to deduct from his personal property any greater portion of his liabilities as security for others than he believes that he is legally or equitably bound to pay as such security. Manufactured articles.

MERCHANTS AND MANUFACTURERS.

SEC. 13. Every person who shall own, or hold subject to his control, any personal property within this State which shall have been purchased with a view of being sold at an advanced price or profit, or which shall have been consigned to him for the purpose of being so sold, shall be held to be a merchant. And when such person shall be required, according to the provisions of this act, to make out and deliver to the assessor a statement of his other personal property, he shall include in such statement the value of personal property appertaining to his business as a merchant. And in estimating the value of such property, he shall estimate the average value of all such articles of personal property which he shall have had in his possession or under his control during the year next preceding the time of making such statement or during that portion of said year which he may have been engaged in such business. In order to arrive at the average value of such property, he shall estimate the amount on hand, as nearly as may be, in each month of the preceding year, or such part thereof as he may have been engaged in such business; then add the several monthly estimates, and divide the aggregate by the number of months he may have been thus engaged in business; provided, that no consignee shall be required to list for taxation any property consigned to him for the mere purpose of being stored or forwarded. And provided further, that the word "person," when used in this and the four succeeding sections, shall be held to mean and include "company," "firm," or "corporation," as the same may require. Defining term "merchant."

SEC. 14. Every person who shall commence merchandizing in anytown, city or village in this State, after the first Monday in July in any year, and the value of whose personal property so employed shall not have been listed for taxation, shall report, under oath, to the clerk of the Board of Supervisors of the county in which he is Merchant to report to clerk board of supervisors.

engaged in business, the probable amount of the average value of the personal property intended by him to be so employed; and such amount shall be entered by the said clerk on the assessment roll of the town or city in which such business may be carried on; and such property shall be taxed, the same as if it had been returned by the proper assessor. But if such report shall not be made to the clerk of the Board of Supervisors till after the assessment roll shall have been distributed among the towns and cities, the said clerk shall forthwith notify the clerk of the proper town or city, of the amount of such property, and the name of the person in which the same should be taxed, and the clerk of such town or city shall enter the same on the list of property for taxation, with the amount of tax to be collected therefrom.

Penalty. SEC. 15. If any person shall commence merchandizing, as designated in the foregoing section, and shall not, within two months thereafter, report in accordance with the requirements of section fourteen of this act, such person shall forfeit and pay two per cent. on the value of the personal property by him so employed; and the value of such property shall be ascertained by the testimony of witnesses called by the Treasurer of the town or city in which such business may be carried on; and the said penalty shall be collected by such Treasurer by a suit before any justice of the peace or court having jurisdiction thereof, and when such penalty shall be collected, the amount shall be distributed in the same proportion as other taxes; provided it shall be the duty of said Treasurer to notify such merchant of the above requirements of law, at least thirty days before the commencement of such suit.

Manufacturers. SEC. 16. Every person who shall purchase or hold personal property, for the purpose of adding to the value thereof, by any process of manufacturing, refining, or by the combination of different materials, shall be held to be a manufacturer; and when such person shall be required to make out a statement of other personal property for taxation, he shall state the average value, ascertained as provided in section thirteen, of all articles purchased or held for the purpose of being used in any such process of manufacturing, refining or combining, which he shall have on hand during the year next preceding the time of making such statement, and the amount of all money and other capital by him used in such process of manufacturing, refining, or combining;

and such statement he shall attest on oath, as required in other cases.

SEC. 17. Every manufacturer shall list the value of all engines, tools, and machinery of every description, not forming part of any parcel of real property used or designed to be used in any process of manufacturing, as defined in this act. Tools and machinery.

DISTRICT ASSESSORS.

SEC. 18. It shall be the duty of the Assessors elected for the year one thousand eight hundred and fifty-nine, and every second year thereafter, to list and value all the real property of this State, not expressly exempted from taxation, in the manner provided by this act. Duty of assessors.

SEC. 19. Each assessor shall make out, from such sources of information as shall be within his reach, a correct and pertinent description of each parcel of real property in his town, city or ward; and if he shall deem it necessary, he may require the owner or occupant of such property to furnish such description. If the owner or occupant shall refuse or neglect to furnish any such description, when demanded by the assessor, the assessor may employ a surveyor to ascertain the boundaries and quantity of such property; and the expenses of such survey shall be returned to the clerk of the town or city in which such property is located, and by said clerk shall be added to the tax upon such property, and when collected shall be paid over to such assessor, for the use of the person or persons to whom the same may be due. Assessors to make out descriptions of property.

SEC. 20. The assessors shall, from actual view, and from the best sources of information within their reach, determine, as nearly as practicable, the true value of all the real property within their respective districts, according to the rules prescribed by this act for valuing property. Assessors to view real property.

SEC. 21. It shall be the duty of the assessor to examine all such buildings and other improvements as are not expressly exempt from taxation; but the value of land and the improvements thereon shall be entered on the list in a single aggregate. Assessors to examine all buildings and improvements.

Sec. 22. The assessor shall leave a written or printed notice with each resident holder of real property, at the residence or usual place of business of such person, informing him of the aggregate amount of valuation which he has put upon such property; and the said assessor, Assessors to leave notices of valuation.

City or town board of equalization.

together with the chairman of supervisors, and clerk of each town, or with the mayor, city clerk, and treasurer of each city, shall constitute a town or city board of equalization, to equalize the assessment of real property for such town or city; and the said assessor shall notify the clerk of each town or city of the time and place of the meeting of such equalizing board; and the said clerk shall post notices of said meeting, at least five days prior to such meeting, in not less than five public places in such town or city. When the town or city board of equalization shall have convened, each member thereof shall take an oath fairly and impartially to equalize the assessment of the real property of such town or city. If it shall be claimed that inequalities exist in such assessment, the assessor shall lay before the board his assessment for the proper town or city, when the board shall proceed to correct any errors which may be apparent in such assessment, and shall add to or deduct from the valuation of any parcel of real property such amount as in their opinion justice and equity demand; and the valuation, as thus equalized by said board, shall constitute the return to be made by the assessor, as the valuation of the real property of such town or city. The assessor shall act as clerk of the town or city board of equalization, and shall correct his list according to the decision of said board. Each member of the town or city board of equalization shall receive the same compensation and mileage as members of the county board of supervisors, to be paid out of the county treasury; and said board may adjourn from time to time until their labors shall be completed.

Duties.

Compensation

Assessors to make return.

SEC. 23. Each assessor shall, on or before the first Monday of July next ensuing his election for that year in which all the real property of the state is required to be valued, make out and deliver to the clerk of the board of supervisors of his county, a return, in tabular form, in a book to be provided him by said clerk, of the quantity, description and value of each parcel of real property subject to taxation, in his town, city, or ward, in numerical order as to lots and blocks, or sections and subdivisions thereof, with the owner, if known, set opposite to each of such parcels, also the real property of each village and city in his district, in numerical order as to lots and blocks, with the name of the owner, if known, set opposite to each of such parcels, and in a separate column the value by him attached to each

parcel. Such return shall set forth the name of each of such villages and cities; and if any parcel of real property lying within the limits of any village or city be other than a lot or part thereof, the return shall set forth the number of acres, the number and range of the town, and the number and subdivision of the section, or such other description as will be sufficiently pertinent. Assessors may commence the labor of assessment at any time after the third Monday in April.

Assessors to make oath.

SEC. 24. Each assessor when making his return of the valuation of real estate, for those years when all the real estate is required to be valued, shall take and subscribe an oath, which shall be certified by the officer administering the same, and attach to his return to the clerk of the board of supervisors, in the following form, to wit: "I——, assessor for the —— district in the county of —— (or for the county of —— or if part of a district, designate the towns or cities, as the case may be,) do solemnly swear that the return to which this is attached, contains a correct description of each parcel of real property within said district, (or designate the part thereof, covered by the return,) as far as I have been able to ascertain the same; and the value attached to each parcel in said return, is, as I verily believe, the true value thereof. The assessor may append to the said oath, if he feels it his duty to do so; "except as the same has been altered by the town (or city) board of equalization."

COUNTY BOARD OF EQUALIZATION.

County board of equalization.

SEC. 25. The county board of supervisors of each county shall constitute a county board of equalization; and the clerk of the board of supervisors shall be the clerk of said board of equalization.

When to meet

SEC. 26. The county board thus constituted, or a majority of them, shall meet on the second Monday in July, next ensuing the valuation of the real property of the state, at such convenient place at the county seat as shall be designated by the clerk of the board of supervisors; and each having taken an oath fairly and impartially, to equalize the valuation of the real property of his county, the clerk of the board of supervisors shall lay before them the returns of all the assessors in such county. The said board shall then proceed to equalize such valuation of real property, so that each parcel shall be valued at its true value in money. And for this purpose, they shall observe the following rules: 1st. They shall raise the valuation of such parcels as in their opinion have

Duties.

been returned below their true value, to such amount as they shall believe to be the true value thereof. 2d. They shall reduce the valuation of such parcels, as in their opinion have been returned above their true value, as compared with the average valuation of the real property of such county, having due regard to the relative situation, quality of soil, natural and artificial advantages, so as to fairly equalize the valuation of real property throughout the county; *Provided*, That such board shall not reduce the aggregate valuation of the real property of the county below the aggregate amount returned by the assessors, including such additions as shall have been made by the clerk of the board of supervisors, agreeably to the provisions of this act.

Proviso.

Clerk of board of supervisors to transmit abstract to secretary of state.

SEC. 27. Each clerk of the board of supervisors shall, on or before the second Monday in August, annually, make out and transmit to the secretary of state, an abstract of the real property of each town, city, and village, of his county, in which he shall set forth—1st. The number of acres exclusive of village and city lots. 2d. The aggregate value of all real property other than village and city lots, including such additions as shall have been made to the return of the assessors, agreeably to the provisions of this act. 3d. The aggregate valuation of the real property of each village and city of his county, including such additions as shall have been made to the return of the assessors, agreeably to the provisions of this act; and such clerks shall, at the same time, transmit to the secretary of state, the aggregate value of all the personal property in his county, including such additions as shall have been made to the return of the assessors, agreeably to the provisions of this act.

STATE BOARD OF EQUALIZATION.

State board of Equalization.

SEC. 28. The members of the state senate, in conjunction with the secretary of state, shall form a state board of equalization; and the members of said board shall receive as compensation for their services, such mileage and per diem as are paid to members of the legislature. Such compensation shall be paid out of the state treasury on the certificate of the secretary of state.

When and where to meet

SEC. 29. The state board of equalization shall meet at Madison, on the first Tuesday in September next, and every second year thereafter, in the senate chamber, or such other convenient place in said city, as may be designated by the secretary of state. Each member of said board shall take an oath fairly and impartially, to equal-

ize the valuation of real property among the several counties of the state, according to the rules prescribed for valuing and equalizing the valuation of real property. The secretary of state shall lay before said board, the abstracts of real property transmitted to him from the several counties, when they shall proceed to equalize the valuation of such real property in manner following, to wit: 1st. They shall add to the aggregate valuation of every county, which they shall believe to be valued below the average valuation of other counties, such per centum as will raise the same to the average valuation of other counties according to the actual value of each. 2d. They shall deduct from the aggregate valuation of every county, which they shall believe to be valued above the average valuation of other counties, such per centum as will reduce such county to the average valuation of all the counties of the state, according to the actual value of each, as compared with others. And if they shall believe that right and justice demand a change in the valuation of the real property of any town, city, or incorporated village, without raising or reducing the total valuation of the county, in equal ratio, they shall add to, or deduct from, the valuation of such town, city or village, such per centum as they shall deem just and equitable.

Duties.

SEC. 30. Immediately after the state board shall have completed the equalization of real property, the secretary of state shall transmit to the clerk of the board of supervisors of each county, a statement of the per centum to be added to, or deducted from, the real property of his county, specifying the per centum to be added to, or deducted from, the valuation of each of the towns, cities, or villages, in such county, if an equal per centum shall not have been added to, or deducted from, the entire county; and the said clerk shall add to, or deduct from, each parcel of real property, the required per centum on the valuation thereof, as the same shall have stood after having been equalized by the county board of equalization; and the valuation of real property, as equalized by the state board of equali ation, shall form the basis upon which taxes shall be apportioned and levied. As soon as the secretary of state shall have ascertained the aggregate valuation of all the property of the state, he shall proceed to apportion the state taxes among the several counties, so that each county shall pay such proportion of said state taxes, as the aggregate valuation of all the taxable property of such county, bears to the aggregate valuation of all the taxable property of the state; and

Secretary of state to transmit to clerk of county board statement of equalization by state board

Duty of clerk of county board.

Secretary of state to apportion state tax.

the secretary of state shall transmit a copy of such apportionment, duly certified, to clerk of the board of supervisors of each county, on or before the second Monday of October, annually.

POWERS AND DUTIES OF TOWN ASSESSORS.

Assessors to leave notices requiring persons to make out statements of property.

SEC. 31. Each assessor shall, on or before the tenth day of May, annually, leave with each person, residing in his town, city or ward, of full age, and not a married woman, or insane person, at the office or usual place of residence of such person, a written or printed notice, requiring him to make out and hold in readiness for such assessor, after ten days from the time of leaving such notice, a statement of the personal property which, by this act, he is required to list for taxation; and such notice shall be accompanied by such form in blank, as is necessary for the statement required; *Provided, however,* That such statement may be made out and delivered at the time when the notice is left by the assessor, if the person receiving such notice shall choose to do so.

Proviso.

Assessors to call for statement.

SEC. 32. Each assessor shall, before the tenth day of June, call upon each person with whom he shall have left a notice for the statement which such person was required to make out, unless such statement shall have been previously delivered to said assessor; and the assessor shall require each of such persons to take and subscribe an oath to the truth of such statement in the manner following, to wit:

Statement to be sworn to.

Form of oath.

STATE OF WISCONSIN, } ss.
——— *County,*

I do solemnly swear, that, in the above statement, I have truly set forth all personal property which, by law, I was required to list, either on my own account or in behalf of others, according to the best of my knowledge and belief; that where, by law, I have been required to affix a value to any portion of such property, I have stated its true value to the best of my ability; and that in setting forth the amount of my indebtedness, I have included no other than *bona fide* indebtedness, accruing from actual consideration, and have not exceeded the true amount thereof. A. B.

Sworn and subscribed before me this —— day of ——
A. D. 185—. C. E., Assessor.

Which oath shall be administered by the assessor and attached to such statement. And each of such assessors shall, annually, except for those years when the valua-

tion of all real property of the State is required to be taken, list and value all real property which shall have become subject to taxation since the last listing of property in his town or city; and if the assessor shall discover that any real property which was subject to taxation had escaped assessment for the last preceding year, he shall note such fact, and shall include both years in his assessment by listing such property at twice its real value. And the said assessor shall also list all new structures of over one hundred dollars in value, which shall not have been previously included in the valuation of the land on which they stand, and shall return the valuation of such new entries and new structures with his return of the valuation of personal property, under the head of "new entries and new structures." And the said assessor shall set forth in such return the parcel of real property on which each of such new structures shall have been made, and the true value added to such real property in consequence of such structure and such increase, added to the former valuation, shall be deemed the true value of such real property.

Assessors to list and value property subject to taxation since last listing.

SEC. 33. If any structure of over one hundred dollars in value, which had been erected previous to the last valuation of the land on which the same shall have stood, or the valuation of which shall have been added to any former valuation of said land, shall have been destroyed by fire, flood or otherwise, the assessor shall determine as nearly as practicable, how much less such land would sell for, in consequence of such destruction, and shall make return thereof, as provided in the case of new structures; and the true valuation of such real property shall be arrived at by deducting from the former valuation the loss sustained by the destruction of such structure.

Deduction to be made on property destroyed by fire, etc.

SEC. 34. In every case where any person shall refuse to make out and deliver to the assessor, a statement of personal property as required by this act, or shall refuse to make oath to the truth of such statement, or any part thereof, which by this act he is required to verify by his oath, the assessor shall proceed to ascertain the number and value of each description of the several articles of personal property enumerated in the eighth section of this act; also, the amount of monies and credits of merchants' and manufacturers' stock, and the aggregate value of all other articles of personal property subject to taxation, of which a statement shall have been withheld by the person required to list the same. And

Duty of assessor where person refuses to make statement of personal property.

to enable the assessor to arrive at the above facts, he is hereby authorized to examine on oath, any person whom he may suppose to be possessed of the necessary information.

Duty of assessors when person refuses to give evidence.

SEC. 35. If any person who shall be required by the assessor to give evidence, as provided in the foregoing section, shall refuse to be sworn by the assessor, or shall refuse to testify after having been sworn, the assessor may apply to any justice of the peace of the county, who shall summon such person to appear before him, at such time as the assessor may designate, and answer on oath, all pertinent questions which may be put to him by the assessor or his agent, touching the amount and value of the property which the person refuses to list.

Penalties for neglect or refusal to obey process of justice.

Costs.

SEC. 36. Every constable and witness shall be subject to the same penalties for neglect or refusal to obey the process of such justice, as for refusing to obey any process of justices of the peace in civil cases; and they shall receive the same fees as for like services in civil cases. All costs which may grow out of the proceedure authorized by this and the foregoing section, shall be certified by the justice to the clerk of the town or city in which the person so refusing to list his property resides, and shall be by such clerk added to the taxes levied upon the property of the person so refusing, and shall be collected as other taxes; and when such costs shall have been collected, the treasurer shall pay the amount to such justice on demand, to be by him applied to the proper person.

Assessor to keep record.

SEC. 37. Each assessor shall enter in a column, to be provided for that purpose, opposite each entry of personal property, the words "by the owner," or "by the assessor," as it shall have been listed and valued by the person required to list and value the same, or by himself; and if any person whose duty it is to list personal property for taxation, shall refuse to list the same, or shall refuse to take and subscribe the oath required of him by this act, the assessor shall enter the words "refused to swear," opposite the name of such person; and if any person required to list property for taxation, shall have been rendered unable to list the same by sickness, absence from home, or other unavoidable occurrence, the assessor shall enter opposite the name of such person, such words as will express the cause of his inability to list and value his personal property.

SEC. 38. If any person shall have been prevented by sickness, or absence from home, or other unavoidable oc-

urrence, from making out and delivering to the assessor he required statement of his property, he may at any ime before the first day of August next ensuing, make ut and attest before the clerk of the board of supervis- rs, who is hereby authorized to administer such oath, uch statement as is required by this act; and in such ase the said clerk shall make an entry thereof, on the re- urn for the proper town or city, or correct the corres- onding item in the return made by the assessor, as the ase may require. But no such statement shall be re- eived from any person who refused to make out, attest n oath and deliver to the assessor such statement, at the ime required by this act, nor shall such statement be re- eived from any person who shall not first make and file with said clerk an affidavit, setting forth that he was ab- sent from home, without design to avoid the listing of his property, or was prevented by sickness, or oth- er unavoidable occurrence, from making out and de- live ing to the assessor the required statement within the time required by law.

Duty of persons prevented by sickness or absence, from making statement.

SEC. 39. Each assessor shall, on or before the first day of July annually, make out and deliver to the clerk of the board of supervisors of his county, a return in tabular form and alphabetical order, of the names of the several persons, companies and corporations, in which personal property shall have been listed, in his town or city, and in an appropriate column opposite each name, he shall state the aggregate value of personal property listed in the name of each person, company or corporation, after deducting the amount of indebtedness listed by such persons, company or corporation. The assessor shall include in his return, in separate columns, new entries, new structures and structures destroyed, as heretofore provided.

Assessors to make return to clerk of county board of supervisors

SEC. 40. Each assessor shall at the time he is required to make his return to the clerk of the board of supervisors, also deliver to the said clerk all the statements of property, received from persons required to list the same, which statements shall be arranged in alphabetical order by the assessor, and shall be filed and preserved by the said clerk.

Assessors to deliver all statements of property.

SEC. 41. Each assessor when making his return of personal property shall take and subscribe an oath, which shall be certified by the officer administering the same, and attached to the return which he is required to make, in the following form, to wit: I, —— assessor for the —— in the county of —— do solemnly swear that the

Assessor to take oath.

Form of oath.

value of the personal property, of which statements have been made and attested by the oaths of persons required to list the same, is truly returned as set forth in such statements; that in every case where I have been required to ascertain the amount and value of the personal property of any person, company or corporation, I have diligently, and with the best aids I could command, endeavored to ascertain the true amount and value of such property, and as I verily believe, the full value thereof is set forth in the annexed return: and in no case have I knowingly omitted to demand of any person of whom I was required to make such demand, a statement of the description, amount and value of personal property, which he was required to list for taxation, nor in any way connived at any violation of law in relation to the listing and valuing of property.

Clerk of board to add to value of personal property when owner refuse to list, fifty per cent.

SEC. 42. It shall be the duty of the clerk of the board of supervisors of each county, to add to the value of all personal property returned by the assessor, which the owner or other person whose duty it was to list on behalf of the owner, or neglected or refused to list, or to the value of which such person refuses to swear as required by this act, fifty per centum, on the value so returned, and if the said clerk shall have reason to believe that in any such case the value returned by the assessor is below the true value of such property, he may institute such examination as he shall deem necessary, to enable him to ascertain the amount and value of such property. And for that purpose he is hereby invested with all the authority conferred upon assessors, in cases where persons refuse to list and value their personal property, as required by this act.

Clerk county board supervisors to add property

SEC. 43. If upon examination of returns made by assessors, the clerk of the board of supervisors shall discover that any parcel of real property shall have been omitted in the return of any assessor, he shall add the same to the list of real property, with the name of the owner if known, as a separate parcel, or to any parcel returned by the assessor as the case may require; and in any such case the said clerk shall forthwith notify the assessor in whose return such omission occurred, of such omission; and such assessor shall forthwith proceed to ascertain and return to said clerk, the value of such real property so omitted.

Clerk county board to correct errors in

SEC. 44. Each clerk of the board of supervisors shall correct any error in the description or quantity of land, contained in the list of real property in his county,

but he shall make no deduction from the valuation of any parcel of real property, which shall not have been required by the state or county board of equalization, in accordance with the provisions of this act.

description of land.

SEC. 45. If any clerk of the board of supervisors shall discover that any assessor has omitted, in his return, any property which he was legally required to return, he shall authorize and require such assessor to correct such error or omission, and such assessor shall, within ten days after having been so authorized and required, proceed to correct any such error or omission and make return thereof to the said clerk.

Clerk county board supervisors to require assessor to correct errors in his return.

SEC. 46. The clerk of the Board of Supervisors of each county shall make out a complete assessment roll of each town and city in his county, including all such additions as shall have been made to the return of the several assessors, agreebly to the provisions and requirements of this act, arranged in the following form to wit: Each parcel of real property in each of the several towns of his county other than village property, shall be entered on such roll in numerical order as to sections and subdivisions thereof, opposite to the name of the owner if known, and in a separate column the said clerk shall set forth the value which then stands affixed to each separate parcel, and each parcel of real property in each village and city in his county shall be entered on the assessment roll for such village or city in numerical order as to lots and blocks opposite the name of the owner, if known, and in a separate column he shall set forth the value which there stands affixed to each parcel of such real property. And if any parcel of real property, lying within the limits of any village or city be other than a lot or part thereof, the said clerk shall set forth on such roll the number of acres, the number and range of the town, the number of the section and subdivision thereof. The value of personal property listed by any person, company or corporation, after deducting the amount of indebtedness authorized by this act, shall be entered on said roll separate from real estate, opposite the name in which the same is listed, which names shall be arranged in alphabetical order." And the said clerk shall transmit the appropriate assessment roll to the clerk of each of the towns and cities of his county, on or before the fifteenth day of November annually; and the said clerk of the board of supervisors shall designate on each of such assessment rolls the amount of State and County tax, which the town or city to which such roll belongs is required to pay, he

Clerk board supervisors to make out assessment roll.

shall also designate on each of such assessment rolls the per centage which shall have been ordered by the county board of supervisors, for county school tax.

ANNUAL COUNTY BOARD OF EQUALIZATION.

County board of Equalization.

SEC. 47. There shall be an annual county board of equalization, composed of the clerk of the board of supervisors, the treasurer, register and county judge of each county. The said board or a majority of them shall meet at such place at the county seat as shall be designated by the clerk of the Board of Supervisors, on the fourth Monday of July annually. It shall be the duty of said board to equalize the assessments on personal property, and on new entries and new structures, and to correct any errors which they may discover in the assessments returned by the town assessors. Said board may add to or deduct from such property so returned, upon such evidence as shall be satisfactory to them, if in their opinion justice and equity demand such addition or deduction; *Provided*, that they shall not reduce the aggregate valuation of the real estate below the aggregate amount returned by the assessors, nor shall they reduce the valuation of personal property of any person, company or corporation, who refused to list and value such property when required by the assessor to list and value the same according to the provisions of this act.

When to meet

Proviso.

Clerk board supervisors to correct valuation on "new structures," or structures destroyed.

SEC. 48. Each clerk of the board of supervisors, shall correct the valuation of any parcel of real property on which any new structure of over one hundred dollars in value has been erected, or on which any structure of like value shall have been destroyed, by adding to or deducting from the valuation of such property, such amount as shall correspond with the return of the assessor in relation thereto, and such corrected valuation shall thereafter be taken as the true value of such real property.

Property of corporations —by whom listed.

SEC. 49. The capital stock paid in and remaining as capital stock, undiminished by losses, inclusive of the value of all other personal property belonging to any banking or other joint stock company, that shall have been, or may hereafter be incorporated in this state, shall be listed for taxation, by the principal accountant officer of such company, in the town or city where the principal office of such company is kept, and taxed as other personal property belonging to natural persons is required to be taxed; *Provided*, that this section shall not apply to any such company whose charter, or act of incorporation may have guaranteed exemption from taxation,

Proviso.

or shall have provided another mode for taxing the same.

SEC. 50. It shall be the duty of the Secretary of State, as soon as practicable after the passage of this act, to prepare and transmit to the clerk of the board of supervisors of each county, all such forms and instructions as he shall deem necessary to best secure the carrying out of its provisions; and with the aid and advice of the Attorney General he shall decide all questions which may arise as to the true construction of this act, subject always to an appeal to the Supreme Court.

Secretary of state to transmit forms and instructions to clerk of board.

SEC. 51. If any Secretary of State, clerk of the board of supervisors, or assessor shall refuse or knowingly neglect to perform any of the duties enjoined on him by this act, or shall consent to, or connive at any evasion of its provisions, whereby any proceedings under its requirements shall be prevented or hindered, or whereby any property required to be listed for taxation shall be exempted therefrom, or entered on the tax-list at less than its true value, he shall for every such refusal, neglect or connivance, forfeit and pay to the state, not less than two hundred nor more than one thousand dollars; to be recovered before any court of record having jurisdiction thereof.

When secretary of state, clerk of board or assessor, neglect to perform duties.

Penalty.

SEC. 52. Every second year, computing from the year one thousand eight hundred and fifty-nine, the real property of this state shall be listed, valued, returned and equalized, in the manner pointed out in this act for listing, valuing, returning and equalizing real property.

Property to be listed every two years.

SEC. 53. This act shall apply to all cities, towns and villages in this state.

Repealed.

SEC. 54. The act entitled "An act to amend chapter 15 of the revised statutes, in relation to the assessment and collection of taxes," approved May 17th, 1858, and so much of any act as conflicts with, or is superceded by the provisions of this act, is hereby repealed.

SEC. 55. This act shall take effect and be in force from and after its passage and publication.

Take effect.

Approved March 18, 1859.

[*Published March* 21, 1859.]

CHAPTER 168.

AN ACT to provide for, and defining the mode of assessing the value of lands appropriated by any railroad company, and damages resulting from the location, construction and operation of its line of road in this state.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Declaratory.

SECTION 1. Hereafter the mode of estimating and determining the compensation to be made for the value of any lands appropriated by any railroad company, and the damages resulting from the appropriation of any lands for right of way or other purposes of any railroad company, under and by virtue of the charters respectively of any such company shall be uniform, and all such value and damages shall be determined and paid in the manner following.

Estimates of value of lands how made.

SEC. 2. The company by its agent shall first offer to pay to the owner or owners, guardian of the owner or agent of the owner or owners, or of any other person having any interest in such lands (as the case may be) if resident of this state, such sum as such agent and two disinterested free holders of the county where the lands are situated, shall on oath, and in writing, swear is just compensation for such lands and damages, before seizing and appropriating any such lands, in all cases where lands have not already been appropriated. If such offer shall be refused, then either party may apply to any justice of the supreme court or circuit judges in term time or vacation, upon five days written and personal notice to the other party (or double that time if served by mail), for the appointment of three commissioners to make an appraisal and award of the value of each or any of the several pieces or parcels of land so entered upon or taken as aforesaid, of any party, for any of the purposes aforesaid, in reference to the value of which the said company shall have failed to agree with the owner or person claiming any interest in the same as aforesaid; and upon proof of the service of such notice, the judge to whom such application be made, shall appoint three commissioners who shall proceed to examine the premises, having first given such notice as they may deem reasonable to the railroad company, and to such owner, guardian or husband, and at least two and not more than five days personal notice to such owner, if resident in the county, and

If owner refuse the compensation offered.

Court to appoint commissioners.

Their duties.

like notice to the company, and whenever it shall appear to said company or its officers, that the title of any such land is in dispute, or that several parties claim interest therein by tax sales, tax titles, incumbrances, liens or equitable claims, the said commissioners shall, upon request of said company or its officers give such notice to all persons claiming any interest in such land, whether as owners, incumbrancers or otherwise, and after making such examination, the said commissioners, or a majority of them, shall make an appraisement and award of the value of the land so entered upon together with all the damages arising therefrom, taken, possessed, occupied or used by said company for any of the purposes aforesaid, and shall deliver one copy of their award in each case to each party, and shall file another in the office of the clerk of the circuit court of the county in which such lands shall lie, with the cost of the award taxed upon each of said copies, and if neither party shall appeal from said award in the manner hereinafter provided, the said circuit court, on motion of the party in favor of whom any award shall be made for such value as aforesaid, unless such award shall have been previously paid, shall enter up judgment in conformity with such award; and in case either of the said commissioners shall die, resign, or decline to act, the circuit judge, justice or either of the said justices shall appoint another commissioner in his stead, and the said company or any party so receiving notice from the said commissioners as aforesaid, may within thirty days after such award shall have been filed with the clerk as aforesaid, appeal from the same to the circuit court for the county in which such lands shall lie, by filing with the clerk of said court a written notice of such appeal, and upon receiving such notice, the said clerk shall enter the appeal as a case upon the docket of said court setting down the owner or owners, and person or persons claiming any interest in said land, embracing all persons so having received such notice from the said commissioner, and the said company as defendants, and the said court shall proceed to hear and determine such case in the same manner that other cases shall be heard and determined in said court; and all issues of fact arising therein shall be tried by a jury, unless a jury be expressly waived by both parties, but the appellant shall not be entitled to have the case tried at any term of said court, unless he shall have given notice to the appellee or his attorney, at least ten days before the first day of the term, that he will demand a trial at such term; but in case the appellee

Notice to parties interested

Commissioners to file award, &c.

Appeal.

Trial by jury.

has no known residence in this state, or attorney of record residing in the state, no such notice need be given, but in all cases the appellee may waive such notice, in which case the same rule for trial shall be applicable to it as to other cases in said court. After the hearing of said case, the jury, or if a jury be waived, the court shall assess the value of the land so entered upon, together with all the damages arising therefrom, taken, possessed, occupied and used by said company, whether before or after the passage of this act, and after such assessment the court shall proceed to render judgment against said company for the amount of such assessment in favor of the plaintiff or plaintiffs in such case, and if the amount so assessed in favor of said plaintiff or plaintiffs, shall exceed the amount awarded by said commissioner, (with interest, at the rate of twelve per centum per annum from the time of such award to the time of such assessment by the jury or court), then judgment shall be rendered against said company for costs, and and when the appeal shall be taken by the claimant, if it shall not exceed said amount (and interest as aforesaid), then judgment shall be rendered in favor of said company for costs, and against the said plaintiff or plaintiffs, and execution may issue accordingly. Either party shall be be entitled to a change of venue for the trial of the said cause, on affidavit filed stating the belief of the affiant that a fair trial cannot otherwise be had: the change of venue shall be to the nearest county where a fair trial can be had. The judgment of the circuit court in any such case, may be reviewed on writ of error or appeal as other cases at law. Whenever the commissioners shall make an award as aforesaid, and no appeal shall be taken from the same, and whenever in case of an appeal, a final judgment shall be rendered, it shall be the duty of the company to pay to the party entitled to the same amount of such award or judgment, and in any case in which there shall be any lien, encumbrance, tax sales, tax title, or equitable claim to or upon the land or any part thereof, which is the subject matter of such award or judgment, or when more than one person shall be entitled to, or shall set up any claim to the amount of such award or judgment, or any part of it, or when the person entitled to receive the same shall not have any known residence within the state, the said company may deposit the amount of such award, where there is no appeal, with the clerk of the circuit court with whom the award in the case shall have been filed, and in case of an appeal and judgment

Court to assess damages, &c.

Costs.

Change of venue.

Writ of error.

Several claimants, money to be deposited

thereon, the company may deposit the amount of such judgment with the clerk of the circuit court for the county in which such judgment shall have been rendered, and the money so deposited in either case, shall be paid over by order of the court, to the person or persons who shall be adjudged by said court to be entitled to receive the same; service upon the secretary of the company at his office, or upon the claimant for damages, by leaving at his residence with any suitable member of his family, shall be deemed personal service.

Construction of this act.

SEC. 3. Nothing contained in this act shall be construed to prevent any other mode of determining such value, and damages as aforesaid, if agreed upon by the parties, nor take away or alter any of the powers, rights, franchises or remedies of any railroad company, excepting so far as it prescribes an uniform mode for, and procedure in, the assessment of compensation for damages to be made for lands and other property appropriated or to be appropriated by any railroad company for the uses and purposes of its road. And the tender or offer herein before provided for, shall be the commencement of proceedings (when the parties shall not otherwise agree) in all cases, and all subsequent proceedings shall be conducted as above provided.

Approved March 18, 1859.

[*Published April* 6, 1859.]

CHAPTER 169.

AN ACT to provide and appropriate compensation to certain officers of the legislature of 1859.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, a sum sufficient (with the amount already appropriated), to pay the per diem of certain officers of the legislature of 1859, at the following rates, viz: to the assistant clerks and sergeant-at-arms each four dollars per day: to all other clerks, postmaster, and assistant sergeant-at-arms each three dollars per day; to the assistant postmaster, door-keeper, and fireman, each two dollars and fifty cents per day; to all messengers, each one dollar and fifty cents per day.

SEC. 2. The per diem hereby established shall only be allowed from the commencement to the adjournment of the legislature, and each of the officers mentioned in this act is hereby authorized to receive his per diem from the state treasury on the certificate of the presiding officers of their respective houses, as to the number of days allowed for their attendance.

Take effect. SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1859.

[*Published April* 6, 1859.]

CHAPTER 170.

AN ACT to amend sections 24 and 26, of chapter 18, of the revised statutes, entitled "an act of the assessment and collection of taxes."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section 24, of chapter 18, of the revised statutes, is hereby amended by inserting after the word "contract," in the fifth line, the following, to wit: "and all lands mortgaged to the state;" also by inserting after the word "contract," in the twelfth line of said section, the following, to wit: "and all lands mortgaged to the state as aforesaid."

Amendment. SEC. 2. Section 26, of said chapter, is amended so as to read "commissioners of school and university lands," instead of "school commissioners."

Take effect. SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1859.

[*Published April* 6, 1859.]

CHAPTER 171.

AN ACT to repeal section 27, of chapter 119, of the revised statutes, entitled "general provisions concerning courts of record, of the powers and duties of judges, and of attorneys and officers of court."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed. SECTION 1. Section 27, of chapter 119, of the revised statutes, entitled "general provisions concerning courts

of record, of the powers and duties of judges and attorneys, and officers of court," is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 18, 1859.

[*Published April* 6, 1859.]

CHAPTER 172.

AN ACT to amend section 59, of chapter 28, of the revised statutes, entitled "Of school and university lands."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifty-nine, of chapter twenty-eight of the revised statutes is hereby amended by adding to said section the following words: "and if, on a resale of such land, the same shall produce more than sufficient to pay the sum owing therefor, with interest and costs, and five per cent. damages on the amount of purchase money unpaid, the residue, when collected, shall be paid over to the former purchaser, or his legal representative. Amendment.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 18, 1859.

[*Published April* 6, 1859.]

CHAPTER 173.

AN ACT to amend chapter twenty-seven of the revised statutes, entitled "Of the state superintendent of public property, and the purchase and distribution of stationery for the use of the state."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine, of chapter twenty-seven, of the revised statutes is hereby amended by adding to the same the following words: "*Provided*, that the amount of stationery furnished in any one year to each and every member of the legislature, the lieutenant governor, and the sergeant-at-arms of each house, shall not exceed in value fifteen dollars." Amendment.

Approved March 18, 1859.

[*Published April* 6, 1859.]

CHAPTER 174.

AN ACT providing for the filing of papers in courts of record.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Defendant to file answer, &c.

SECTION 1. It shall be the duty of the defendant in an action, who answers or demurs to the complaint, to file the answer or demurrer at least ten days before the next term of the court after the service of such answer or demurrer, or in default thereof the plaintiff may file the copy or copies served upon him, and in case of a reply or demurrer to the answer, the plaintiff shall file the same before the next term of the court after the service thereof, and in default thereof the defendant may file the copy or copies served upon him.

Duty of plaintiff.

SEC. 2. It shall be the duty of the plaintiff to deliver the undertaking required by him to be given on the arrest of a party, and also upon the granting of an injunction to the officer making or allowing the order of arrest or injunction; and such officer shall file the same with the clerk of the court within fifteen days after the delivery thereof to him; and it shall be the duty of the parties respectively to file all affidavits and papers used on any motion with the clerk of the court, or with the judge or commissioner before whom a motion is made, and the said judge or commissioner shall, upon the decision by him of such motion or application, file the papers used before him on such motion in the proper clerk's office.

Take effect.

SEC. 3. This act shall take effect from and after its passage.

Approved March 18, 1859.

[*Published April* 6, 1859.]

CHAPTER 175.

AN ACT to authorize the state treasurer to receive of the county treasurer of Buffalo county certain county orders therein mentioned in lieu of so much money for taxes.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation

SECTION 1. There is hereby appropriated out of the swamp land fund of this state a sum sufficient to pay

and redeem certain county orders of the county of Buffalo issued for expenses incurred in protecting swamp and overflowed lands in said county owned by the state: *Provided*, that the whole amount of such appropriation shall not exceed the sum of two hundred and twenty-nine dollars and fifty-six cents.

State treasurer to cancel orders.

SEC. 2. The state treasurer is hereby authorized to pay such county orders respectively, upon the presentation of the same, and when so paid he shall cancel the same.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1859.

[*Published April* 6, 1859.]

CHAPTER 176.

AN ACT to confirm the title of certain lands therein mentioned.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Patent declared valid.

SECTION 1. The patent issued by the state of Wisconsin to David K. Reed, of Bad Ax county, on the thirteenth day of February, 1858, for the north-east quarter of section sixteen (16), township number twelve (12) north, of range [three] (3) west, is hereby declared to be valid, and the state hereby relinquishes all claim in and to the said land, and fully vests the same in the said David K. Reed and his legal representatives.

Duty of school land commissioners.

SEC. 2. The commissioners of the school, university, and swamp lands are hereby directed to enter in the books of that department full satisfaction for the north-east quarter of section sixteen, town twelve, range three west, in Bad Ax county.

Money to be returned.

SEC. 3. The aforesaid commissioners are hereby directed to return to William McMichail the sum paid by him for interest, penalty, costs, &c. on the north-east quarter of section sixteen, town twelve, range three west, after the thirteenth day of February, 1858, upon the surrender of the receipt therefor.

Take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 18, 1859.

[*Published April* 7, 1859.]

CHAPTER 177.

AN ACT to appropriate certain islands for the purposes therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Islands appropriated.

SECTION 1. All the islands within the Mississippi river and its sloughs, remaining unsold, and lying in township number fourteen (14) north, of range seven (7) and eight (8) west, and in township sixteen (16) and seventeen (16 and 17) north, of range eight (8) west, in the La Crosse land district, are hereby appropriated to C. W. Marshall, W. H. Tucker, and E. D. Campbell, in trust for the uses and purposes hereinafter mentioned.

Trustees.

Their duties.

SEC. 2. The said trustees are hereby authorized and empowered to sell and convey said islands, or any part thereof, for the purpose of erecting a bridge over the La Crosse River at any eligible point on section thirty-one (31), township number sixteen (16) north, of range seven (7), or for making the approaches to a bridge from the high banks of the prairie or original plat of the village of La Crosse, and to execute to the purchaser or purchasers of said islands, or any part thereof, good, ample, and sufficient deeds of conveyance in fee simple thereof, and to apply the proceeds received therefor in aid of the erection of such bridge, the approaches as aforesaid: *Provided*, no part of such islands shall be sold for a less amount than one dollar and twenty-five cents per acre; and *provided, further*, that no part of the proceeds of such sale shall be applied as aforesaid, until the sum of five hundred dollars shall have been expended toward the construction of such bridge or approaches by James W. Polleys, William Hood, and Thomas Spence, hereby called the La Crosse bridge company.

roviso.

Proceeds how expended.

SEC. 3. When said five hundred dollars shall have been so expended, then the said equal amount of five hundred dollars shall be applied from the sale of such lands; and for every additional two hundred dollars actually expended by the before mentioned parties, as provided by this act, there shall be an equal amount applied from the proceeds of the sale of said lands to said parties.

Governor to execute a trust deed.

SEC. 4. Whenever it shall be proven to the governor of the state that a sum not less than five hundred dollars has been actually expended towards the erection of such bridge or approaches, the governor of the state shall, in his official capacity, and in behalf of the state, and under the great seal thereof, execute and deliver to the trustees herein named a trust deed of the lands aforesaid, which deed shall vest in said trustees the right to sell, convey, and dispose of the same in the manner provided by this act.

SEC. 5. All monies arising from the sale of such lands, and remaining after the completion of said bridge and said approaches, and payment for the same, shall be paid into the state treasury, and the said trustees shall severally give bonds, with sureties, which shall be approved by the governor, in the amount of five thousand dollars each, conditioned for the faithful performance of their duties as trustees, and for the payment of such surplus fund into the state treasury, which bonds shall be filed, within ten days after their execution, in the office of secretary of state, and such trustees shall receive two and a half per cent. on all sales made by them (to be deducted from said sales), and no more, for their services as such trustees. Said bridge herein mentioned shall be and ever remain a free bridge to the public.

Surplus monies.

Trustees to give bonds.

Compensation of trustees.

SEC. 6. This act shall take effect and be in force from and after its passage.

Take effect

Approved March 18, 1859.

[*Published April* 7, 1859.]

CHAPTER 178.

AN ACT establishing the fees for the publication of the sale of forfeited lands.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The price in full which each newspaper, except the state paper, shall receive for the publication, by authority as required by law, of the advertisement of the sale of forfeited school, university and swamp lands, or of lands selected in lieu of swamp lands, shall be to each newspaper fifty cents for each description of land contained in such advertisement: *Provided, however,*

Publisher's fees.

Proviso.

that if in any county the advertisement of any one kind of land shall not exceed fifteen descriptions, the fees allowed for the publication of such advertisement shall be the same as provided by law for the publication of legal notices.

Take effect. SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1859.

[*Published April* 7, 1859.]

CHAPTER 179.

AN ACT to provide for indexing and transcribing the journals of the Senate and Assembly.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation SECTION 1. There is hereby appropriated to Hiram Bowen, chief clerk of the senate, the sum of one hundred and fifty dollars; and to Louis H. D. Crane, chief clerk of the assembly, the sum of two hundred dollars, in full for indexing and completing the transcribing of the journals of the present session of the legislature: *Provided*, that this appropriation shall not be drawn from the treasury until the work is completed, and certified to by the secretary of state.

Take effect. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

[*Published April* 7, 1859.]

CHAPTER 180.

AN ACT to authorize the secretary of state to audit certain accounts.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Account to be audited. For safe. SECTION 1. The secretary of state is hereby authorized to audit the account for the purchase of a safe to keep the bank note plates, and records of the bank department of this state, at its agency in the city of New York.

SEC. 2. The secretary of state is also authorized to

lit the accounts for stationery and record books, as ll as the postage account of the New York agency of › bank department of this state: *Provided*, that, be- 'e any of the aforesaid accounts shall be audited, the nk comptroller shall certify to the correctness of the ne, and a sum of money sufficient is hereby appro- iated to be paid out of the state treasury to pay the ne: *Provided*, the whole amount so audited for sta- nery, record books, and postage shall not exceed the m of fifty dollars for any one year. For books, &c Proviso.

SEC. 3. This act shall take effect and be in force from d after its passage. Take effect.

Approved March 19, 1859.

[*Published April* 1, 1859.]

CHAPTER 181.

AN ACT concerning the amendment of pleadings.

1862-106

The People of the State of Wisconsin, represented in 'enate and Assembly, do enact as follows:

SECTION 1. In all cases when the summons and com- laint shall be amended of course, by the making of other ersons parties defendant; it shall only be necessary to ersonally serve upon the new parties, each a copy of the ummons and complaint as amended, with a notice signed y the attorney of the plaintiff to the effect that such lefendant is required to answer such complaint and serve › copy thereof upon such attorney at a place named by › time specified; which shall not be less than forty days rom the time of such service of the summons and com- plaint upon a defendant without this state, nor less than hirty days when the service is made within this state; nd that in case he fails to so serve his answer, the plain- iff will take such judgment as he may be entitled to by aw, and no further time, or other notice, or service shall e necessary to entitle the plaintiff to proceed to judg- nent as to such new defendant. But no judgment shall be given, or rendered against any such new defendant until the time when judgment shall be given, or rendered against those, or some of those first made defendants. Notice to new parties.

SEC. 2. This act shall be printed by the state printer immediately after its passage, and when so printed shall take effect and be in full force. Take effect

Approved March 19, 1859.

[*Published April* 7, 1859.]

CHAPTER 182.

AN ACT to provide for a final settlement of the claims of William Crombie against the state.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation

SECTION 1. The sum of five hundred dollars is hereby appropriated to William Crombie, out of any money in the state treasury, not otherwise appropriated, being payment in full for services rendered, and expenses incurred as agent of the state for protection of swamp and school lands; *Provided*, that the said William Crombie shall receive the same as a full and complete settlement and relinquishment of all debts, demands or claims against the state, in connection with his services as agent for protecting school and swamp lands of every name and nature, whether from money expended, disbursements made, services rendered, or damages incurred, in and about said agency, and for all time heretofore, and whether acting under and by authority of any appointment, or by virtue of any general or special laws or resolution of the legislature or otherwise.

Proviso.

State Treasurer to take receipt.

SEC. 2. The state treasurer is hereby authorized and required before making payment of said sum of money to take from said William Crombie, a receipt on the terms set forth in section one of this act, and file the same for safe keeping.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

[*Published April* 7, 1859.]

CHAPTER 183.

AN ACT to appropriate certain islands in the Wisconsin river, to the Newport bridge company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Islands appropriated.

SECTION 1. That the several islands in the Wisconsin river lying between towns five and eight east, of the fourth principal meridian, be, and the same are hereby

ıpropriated to Stewart Blood, Abraham Vanderpool, ıcob C. Vanvechten and William Tweeddale, as com- issioners in trust for the Newport bridge company for e uses and purposes hereinafter mentioned. Commissioners.

SEC. 2. The said commissioners are hereby empowered ı sell and convey said islands, or so much thereof as ay be necessary for the purpose of aiding in the erec- on and construction of a bridge across the Wisconsin ver, at the place designated in the act of the legislature ıcorporating said company, approved February 26, 1859, ıd to execute to the purchasers of the same sufficient nd ample deeds of conveyance in fee simple, and to ap- ly the proceeds of such sale in aid of the erection and onstruction of the bridge aforesaid; *Provided*, no part r parcel of said islands shall be sold for a less amount han one dollar and twenty-five cents per acre; *And pro- ided further*, that no amount of the proceeds of such ales shall be applied as aforesaid, until said company hall have expended an equal amount. That is to say, rhenever said company shall have actually expended the ımount of five hundred dollars in the erection and con- ıtruction of the bridge aforesaid, then said company shall ɔe entitled to an equal amount arising from the proceeds ɔf the sale of the islands aforesaid, and for every addi- ıional two hundred dollars actually raised and expended ɔy said company as aforesaid, they shall be entitled to ın equal amount arising from the proceeds aforesaid; and he governor of the state, shall in his official capacity, ınd in behalf of the state, and under the great seal there- ɔf, execute and deliver to the said commissioners, when- ɔver it shall satisfactorily appear that said bridge is in ɔrocess of erection and construction, and that a sum not less than five hundred dollars has been actually expended hereon, a trust deed of the lands composing the islands ıforesaid, which deed shall vest in said commissioners he right to sell, convey, and dispose of the same, in the manner provided by this act.

To sell lands.

Proviso.

Explanatory.

Governor to execute trust deed.

SEC. 3. The said commissioners shall render to said company, whenever they shall demand the same, a strict and accurate account of all moneys by them received in conseqence of any sale of the islands aforesaid, or any part or parcel thereof, and all moneys arising from any sale as aforesaid, which shall not be necessary for use in the erection and construction of the bridge aforesaid, and all moneys arising from any sale of the islands aforesaid after the completion of said bridge, shall be paid by said commissioners into the state treasury, and the said com-

Commissioners to render account.

missioners shall, before any of the rights and powe herein granted, shall vest in said commissioners, several

To give bonds give bonds to the state of Wisconsin, with sureties, to l approved by the governor, in an amount not less th five thousand dollars each, conditioned for the faithf performance of their duties as said commissioners, a the faithful application and disposition of all the mone arising out of any sales by them of the islands afor said, or any part or parcel thereof, in accordance wi the provisions of this act, which said bonds shall be file within ten days after their execution, in the office of th secretary of state.

Take effect. SEC. 4. This act shall take effect and be in forc from and after its passage.

Approved March 19, 1859.

[*Published April* 7, 1859.]

CHAPTER 184.

AN ACT to amend section 117, of chapter 15, of revised statutes, entitled "of towns and town officers, powers and duties of towns."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section one hundred and seventeen, of chapter fifteen, of revised statutes, is hereby amended as follows: the words in said section, "said stone monuments shall be set at least three feet deep in the ground, and stand at least two feet above the ground," are hereby stricken out, and the following words inserted in lieu thereof, "said stone monuments shall be set at least two feet deep in the ground, and shall project above the surface of the ground at least six inches;" and said section is further amended by adding to the close of said section the words, "and when by the survey any such monument shall require to be placed in any public highway, the supervisors of the towns are hereby authorized in their discretion to direct the omission of such monument."

Declaratory. SEC. 2. Nothing in this act shall be so construed as to require any alteration in the monuments erected or in process of erection under the provisions of the act to which this is amendatory.

Take effect. SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

[*Published April* 7, 1859.]

CHAPTER 185.

AN ACT to construe chapter twenty, of the revised statutes, entitled "of regulating fences." *

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The powers conferred upon the board of supervisors of the several counties by chapter twenty, of the revised statutes, entitled "of the regulation of fences," shall be so construed, as to authorize such boards to grant licenses for the keeping and maintaining of fences to railroad companies incorporated by any law of this state, and any railroad to which such license may be granted, shall have and enjoy all the rights and privileges which may be possessed and enjoyed by individuals under such license; *Provided*, that no license shall be granted to any railroad company to maintain a fence, except upon waters crossed by such road, or at the terminus thereof. Explanatory. Proviso.

SEC. 2. This act shall take effect from and after its passage and publication. Take effect.

Approved March 19, 1859.

*NOTE.—The chapter to which this act is amendatory, is entitled "of the regulation of ferries."

[*Published April* 7, 1859.]

CHAPTER 186.

AN ACT to amend chapter 154, of the revised statutes, entitled "of the foreclosure of mortgages by advertisement."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven, of chapter 154, of the revised statutes, is hereby amended by striking out of the third line of said section the word "two," and insert the word "one," in lieu thereof. Amendment.

SEC. 2. This act shall take effect and be in force from and after its publication. Take effect.

Approved March 19, 1859.

[*Published April* 8, 1859.]

CHAPTER 187.

AN ACT to amend section twenty-one, of chapter twenty-eight, of the revised statutes.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section twenty-one, of chapter twenty-eight of the revised statutes is hereby amended, so as to read as follows: "All sales at auction of school, university and swamp lands, and those selected in lieu of swamp lands, shall be made at such times and at such public places as the commissioners and governor shall designate: *Provided*, that lands situated in any of the unorganized counties of this state shall be sold in said counties; and the commissioners shall, previous to any such sale, cause a notice thereof, specifying the time when and the place where the same will be held, to be published once in each week for at least eight successive weeks, in the state paper at the capital, and in each newspaper printed in the county where such lands are situated, if any; but if there is no such newspaper, then in the newspaper printed nearest to the place where such lands are located; and the expenses of such publication of notices shall be audited and paid by the commissioners out of the income of the appropriate fund.

Take effect. SEC. 2. This act shall take effect from and after its passage.

Approved March 19, 1859.

[*Published April* 8, 1859.]

CHAPTER 188.

AN ACT to amend chapter eighty-six of the revised statutes, entitled "Of alienation by deed, of the proof and recording of conveyances, and the cancelling of mortgages."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section ten, of chapter eighty-six, of the revised statutes, is hereby amended by inserting after the word "purpose," at the end of the third line of

said section, the following words, to wit: "or before a notary public."

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 19, 1859.

[*Published April* 8, 1859.]

CHAPTER 189.

AN ACT concerning the fees received by state officers.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state, state treasurer, and attorney general shall charge the fees heretofore allowed by law, and as heretofore charged upon sales of school, university, and swamp lands, and upon loans made of the funds arising from such sales, and for other services rendered in either of said offices, and shall keep an account of all fees so charged; and all fees so charged and received shall be paid into the state treasury to the credit of the general fund: *Provided, however,* that each of said officers may retain out of the fees so charged and received, a sum not exceeding two thousand dollars per annum, in addition to the salary now prescribed by law. Fees of state officers. Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 19, 1859.

[*Published March* 30, 1859.]

CHAPTER 190.

AN ACT to regulate insurance companies not incorporated by the state of Wisconsin.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That it shall not be lawful for any agent or agents of any insurance company incorporated by any other state than the state of Wisconsin, directly or indirectly, to take risks, or transact any business of insurance in this state, without such company has first To obtain certificate.

obtained a certificate of authority from the secretary of state; and before obtaining such certificate, such insurance company shall furnish the said secretary with a statement under the oath of the president and secretary of the company, which statement shall show,

Statement to set forth.

First, the name and locality of the company.

Second, the amount of its capital stock.

Third, the amount of its capital stock paid up.

Fourth, the assets of the company, including, 1st, the amount of cash on hand, and in the hands of agents or other persons; 2d, the real estate unincumbered; 3d, the bonds owned by the company, and how they are secured, with the rate of interest thereon; 4th, debts due the company, secured by mortgage; 5th, debts otherwise secured; 6th, debts for premiums; 7th, all other securities.

Fifth, the amount of liabilities due or not due to banks or other creditors of the company.

Sixth, losses adjusted and due.

Seventh, losses adjusted and not due.

Eighth, losses unadjusted.

Ninth, losses in suspense, waiting for further proof.

Tenth, all other claims against the company.

Eleventh, the greatest amount insured in any one risk or allowed to be insured in any one block.

Twelfth, the gross amount of premiums received in the state of Wisconsin for the current year prior to the making of this report.

Thirteenth, the market value of its stock.

Fourteenth, the dividend or dividends declared and paid during the past year.

Fifteenth, the act of incorporation of such company.

To be filed.

Which statement shall be filed in the office of said secretary of state, together with a written instrument, duly signed and sealed, authorizing any agent or agents of such company in this state to acknowledged service of process, for and in behalf of such company, consenting that service of process, mesne or final, upon any such agent or agents, shall be taken and held to be as valid as if served upon the company, according to the laws of this or any other state, and waiving all claim or right of error, by reason of such acknowledgment of service; and no insurance company, or agents of any insurance company incorporated by any other state, shall transact any business of insurance in this state, unless such company is possessed of at least one hundred and fifty thousand ($150,000) dollars in value of

Capital possessed, &c.

actual capital in cash or real estate, or invested in stocks or in bonds, or mortgages on real estate, worth double the amounts for which the same is mortgaged; and upon the filing of the aforesaid statement and instrument with the secretary of state, and furnishing him with proof or satisfactory evidence of such investment as aforesaid, it shall be the duty of said secretary to issue a certificate thereof with authority to transact business of insurance to said company for its agent or agents.

Certificate, necessary to legality.

SEC. 2. It shall be unlawful for any incorporated company or association, partnership, firm, or individual, or any member or agent or agents thereof, or for any agent or agents of any company incorporated by any foreign government other than a state of this union, to transact any business of insurance in this state without procuring a certificate of authority from the secretary of state. Such company, association, partnership, firm, or individual, or any agent or agents thereof, having first filed, under oath, in the office of said secretary, a statement setting forth charter or act of incorporation of, and every such incorporate company, and the by-laws, copartnership agreements, articles of association, of any and every such incorporated company, association, partnership or firm, and the name and residence of such individual, and the names and residences of the members of every such partnership or firm, and the matters required to be specified by the first section of this act, and the written authority therein mentioned, and furnish evidence to the satisfaction of the secretary of state that such company has invested in stocks in some one or more of the states of this Union, or the United States, the amount of fifty thousand (50,000) dollars, and that such stocks are held by citizens of the United States, or in any bonds or mortgages of real estate situated in the United States, fully securing the amount for which the same is mortgaged, or bonds of cities of the United States, the aggregate market value of the investment of the company in which shall not be less than fifty thousand (50,000) dollars; and such incorporated company, or unincorporated company, association, partnership, firm, or individual, or any agent or agents thereof, filing said statement, and furnishing evidences of investment as aforesaid, shall be entitled to a certificate of authority for such body or individual, in like manner as is provided for in the first section of this act.

Statement.

Stock investments.

SEC. 3. It shall be the duty of every such insurance

Statement to be filed with clerk of court

company, or some agent or agents thereof, before taking any risks or transacting any business of insurance in this state, to file in the office of the clerk of the circuit court of the county of which it, he or they may desire to establish an agency for any such insurance company or individual, or to transact any business of insurance therein, a copy of the statement required to be filed with the secretary of state as aforesaid, together with the certified copy of the certificate of said secretary, which shall be carefully preserved for public inspection by said clerk, and also said insurance company, association, partnership, firm or individual, shall cause their statement and certificate to be published in some daily newspaper of general circulation published in this state, printed in the cities of Madison and Milwaukee one month, and such body or individual shall, before it, he or they, or any agent or agents thereof, shall take any risks or transact any business of insurance, furnish such agent or agents with two copies of such statement and secretary's certificate, one of which shall be deposited and kept in the office of the proper clerk of the circuit court, in the same manner and for the same purpose as hereinbefore mentioned; one of which shall be kept in the office of every such agent or other person, to be submitted to any persons for examination who may desire to procure from such agent or agents, or other person, a policy of insurance, or renewal thereof, if demanded by him or them.

To be published.

Renewal of statement.

SEC. 4. The statement and evidence of investment required by this act shall be renewed annually, in the month of January in each year; the first statement may be made at any time. The secretary of state, on being satisfied that the capital, securities and investments remain secure as at first, shall furnish renewal of certificate as aforesaid; the certified copy of which, with the certified copy of the statement upon which the same was obtained, shall be filed, kept, and published in the same manner, and be governed in all respects by the provisions of section three of this act: *Provided*, that all certificates of authority or renewals granted to any such insurance company, or agent or agents thereof, prior to the passage of this act, in accordance with the act hereinafter repealed, shall be in full force and effect until January, A. D. 1860, the same as if issued under this act: *And provided further*, that any such insurance company, or agent or agents thereof, shall pay into the state treasury, on or before the first day of June, A. D.

Proviso.

Proviso.

1859, a sum of money equal to three per cent. upon the gross amount of premiums received in the state of Wisconsin for the year 1858, which shall be in full for the license until the first day of January, A. D. 1860, to be ascertained in the manner hereinafter provided, and thereafter shall pay in accordance with section five of this act.

License fee.

SEC. 5. A sum of money equal to three per cent. upon the gross amount received in the state of Wisconsin for premiums in each year, as shown by the report required to be made by section one of this act, shall be paid by each company as an annual license fee at the time of the issue of each certificate, or its renewal, by the company or body receiving it, to be paid to the state treasurer for the privilege of transacting the business of insurance in this state: *Provided*, that when application is made for license by any company that shall not have transacted business within this state for the space of one year, the sum of five hundred dollars shall be paid by such company as a license for the first year: *And provided further*, that any insurance company not incorporated by the laws of the state of Wisconsin, now doing business in this state, shall, on or before the first day of June, A. D. 1859, make a statement, verified by the oath of the president and secretary of such company, showing the gross amount (*amount*) of premiums received in this state by such company for the year 1858, which statement shall be filed by the secretary of state.

Proviso.

Proviso.

Agents, how considered.

SEC. 6. Any person or firm in this state who shall receive or receipt for any money or account of or for any contract of insurance made by him or them, or for any such insurance company or individual aforesaid, or who shall receive or receipt for any money from other persons, to be transmitted to any such company or individual aforesaid, for a policy or policies of insurance, or any renewal thereof, although such policy or policies of insurance may not be signed by him or them, as agent or agents of such company, or who shall in anywise, directly or indirectly, make or cause to be made any contract or contracts of insurance for or on account of such insurance company aforesaid, shall be deemed to all intents and purposes an agent or agents of such company, and shall be subject and liable to all the provisions, regulations and penalties of this act.

Papers, to be received in evidence.

SEC. 7. That copies of all papers required by this act to be deposited in the office of the secretary of state, certified under the hand of such secretary or clerk of any

court of record of this state, with the seal of such court affixed thereto, or any notary public under his proper seal, and any copy of any affidavit of publication in any newspaper by this act made necessary, duly certified by the clerk of any court of record or probate judge in this state, authenticated by the seal of such court, or by any notary public, witnessed by his proper seal, shall be received as evidence in all courts and places, in the same manner, and have the same force and effect as the original would have if produced.

Penalty for violation of this act.

SEC. 8. Any person violating any of the provisions of this act shall, upon conviction thereof in any court of competent jurisdiction, be fined in not less than one hundred nor more than one thousand dollars, or imprisonment in the county jail not more than six months, at the discretion of the court. The penalties imposed in this act shall be collected in the name of the people, by the attorney general of the state, or the district attorney of the county where the offence shall have been committed, on the complaint of any person aggrieved by such violation, or any other person; and one half of the penalty, when recovered, shall be paid into the treasury, for the use of the poor of the county where the offence shall have been committed, and the other half to the informer of such violation. Violations of this act shall be prosecuted in the same manner as may be provided by law for the punishment of offences of like grade.

Repealed.

SEC. 9. All acts or parts of acts contravening the provisions of this act are hereby repealed. This act shall in no wise affect the law now in existence to compel said companies to pay in their quota towards the support of the fire departments in the different cities of the state.

Fire Departments.

Take effect.

SEC. 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1859.

[*Published April* 8, 1859.]

CHAPTER 191.

AN ACT to divide the county of Polk and erect the county of Dallas.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundary.

SECTION 1. All that portion of the county of Polk embraced in the following description, is hereby set o

into a separate county, to be called and known as the county of Dallas, to wit: all of town thirty-two, thirty-three, thirty-four, thirty-five, thirty-six and thirty-seven, ranges twelve, thirteen, fourteen and fifteen.

SEC. 2. Said county of Dallas is hereby attached to the county of Polk, for all purposes civil and judicial, until said county of Dallas shall be fully organized. **Attached to Polk.**

SEC. 3. The county seat of said county is hereby located in the village of Manhattan; *Provided*, that the electors in said county may at the next general election, by vote change the location of said county seat to any other point in said county, by a majority of the votes polled at said election. **County seat. Proviso.**

SEC. 4. This act shall take effect and be in force from and after its passage. **Take effect.**

Approved March 19, 1859.

[*Published April* 8, 1859.]

CHAPTER 192.

AN ACT to appropriate to the state reform school, the sum of ten thousand dollars.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of ten thousand dollars to the state reform school, for continuing the work on building for the same now in course of erection; $2000, to be paid on the order of the commissioners, and such sums as may be wanted by said commissioners, in sums not exceeding $2000 at any one time, and at least $1500 shall be accounted for before any other sum shall be advanced. **Appropriation. How paid out**

SEC. 2. The money herein appropriated shall not be drawn from the treasury untill a certificate of the secretary of state is filed with the state treasurer, that the title to the land purchased or donated to the state for the use of the house of refuge or state reform school is good to the state. **Title to land, &c.**

SEC. 3. This act shall take effect and be in force from and after its passage. **Take effect.**

Approved March 19, 1859.

[*Published April* 8, 1859.]

CHAPTER 193.

AN ACT to appropriate to the Wisconsin state hospital for the insane, a certain sum of money therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to the Wisconsin state hospital for the insane, the sum of twenty-three thousand and five hundred dollars, for the purpose of erecting engine house, laundry, bakery, and fitting up the same, and for putting in heating, ventilating and cooking apparatus, and for plumbing and sewarage for main building and wings now in process of erection and partly finished.

For what purpose.

Contract, &c.

SEC. 2. The commissioners of the state hospital for the insane, are hereby authorized and required to make a contract with some competent and responsible parties on the best terms practicable, for the construction and fitting up of engine house, engine, heating, cooking and ventilating apparatus, and for plumbing the main building and wings, and all other work necessary for putting said hospital in order for the introduction of furniture and the reception of patients.

Warrants, how drawn.

SEC. 3. The amount appropriated by section one of this act shall be payable in such sums as shall from time [to time] be certified by the commissioners of the hospital to the secretary of state, for labor performed and materials furnished, and the secretary of state on receipt of such certificates, shall draw warrants for the amounts so certified upon the state treasurer, [who] also shall pay the same in the manner provided by law.

Approved March 19, 1859.

[*Published April* 8, 1859.]

CHAPTER 194.

AN ACT to amend an act, entitled "an act to organize the county of Shawano, for judicial purposes," approved March 11th, 1859.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section five of said act is hereby amended by striking out "day of January," where it occurs the

second time in said section, and inserting "Tuesday of April," so that it will read, "a county judge shall also be elected for said county on the first Tuesday of April, 1860," &c.

SEC. 2. Section six of said act is hereby amended by striking out the word "April," where it first occurs in said section, and inserting the word "October." Amendment.

SEC. 3. This act shall take effect from and after its passage. Take effect.

Approved March 19, 1859.

[*Published April* 1, 1859.]

CHAPTER 195.

AN ACT authorizing the redemption of lands sold under foreclosure of mortgages hereafter executed, by judgment or decree of court.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases of sales of mortgaged lands or premises under or by virtue of any judgment order or decree hereafter made or rendered upon the foreclosure of any mortgage hereafter executed, it shall be the duty of the sheriff, deputy sheriff, or other officer making such sale, within ten days after the same is made, to execute and deliver to the purchaser, a certificate of sale in writing under seal, setting forth each tract or parcel of the lands or lots so sold, the sum paid therefor, and the time when the purchaser shall be entitled to a deed of the same, unless the same shall be redeemed as hereinafter provided; and such officer shall also within the said ten days after such sale, file in the office where the mortgage was recorded, a duplicate of such certificate signed by him, and such certificate, or a copy properly certified by the register, shall be taken and deemed evidence of the facts therein contained. Sale of mortgaged lands. Duty of sheriff, or other officer.

SEC. 2. In all cases of sales hereafter made of lands or lots of lands under the provisions of this act, it shall be lawful for the mortgagor or his heirs, executors, administrators or assigns, whose lands or lots shall be sold as aforesaid, at any time within one year after such sale, to redeem such lands, lots and tenements, or any distinct tract or parcel thereof, seperately sold, by paying to the purchaser, his executors, administrator or assigns, or the sheriff or other officer making such sale, or his successor Redemption of lands so sold.

Money to be paid over.

in office, the sum of money bid therefor, and for which the same was sold, together with interest on such purchase money at the rate of ten per cent. per annum, from the date of such sale, and such payment being made, the said sale and certificate thereon granted, shall become null and void, anything contained in any law to the contrary notwithstanding; and the bail of the said sheriff or other officer, shall be responsible for the full and faithful payment to the purchaser aforesaid, or his legal representatives, of all money received by such sheriff or deputy, or other officer as aforesaid, and upon payment of the purchase money, with interest as aforesaid, the said sheriff, deputy or other officer, shall execute and deliver to the proper person, so redeeming as aforesaid, a certificate under seal of the fact of such redemption, which shall operate as a full and complete discharge of the mortgage and of all the rights, title and interest acquired by the purchaser at such sale, and shall vest the title of the lands and property so redeemed in the person lawfully entitled to the same; *Provided*, that in every case of such sale, the mortgagor of such lots or lands, or his assigns, may retain full possession of the mortgaged premises in trust for the mortgagee or purchaser, until the title shall absolutely vest in the purchaser according to the provisions of this act.

Proviso.

Unauthorized redemption.

SEC. 3. If at any time after the expiration of the said term of one year from the time of the sale of such premises, it shall appear that no person authorized so to do has redeemed the same, or any portion thereof, as provided in this act, it shall then become the duty of the sheriff, or deputy sheriff or other officer making such sale, or his successor in office, to execute and deliver to the purchaser at such sale, deeds of the lands or lots of land so sold, which shall vest in the said purchaser the same estate, and shall be as valid as if the same were executed by the mortgagor and mortgagee to the same person, and shall constitute an entire bar against all parties to such action in which the order or decree for such sale was made, and against their heirs respectively, and all persons claiming under them.

Subsequent mortgage.

SEC. 4. Any person who may have or hold a subsequent mortgage or other incumbrance on the premises sold or any separate lot or parcel thereof, shall be entitled to the same privileges of the redemption of the mortgaged premises that the mortgagor or his legal representatives might have had, or of satisfying the prior mortgage, and shall, by such satisfaction, acquire all the benefits to

which such prior mortgagee was, or might have been entitled.

SEC. 5. In all cases of foreclosure of mortgages by the judgment, decree or order of any court, such judgment, order or decree, shall direct and require the mortgaged premises to be sold, and the equity of redemption shall not be foreclosed without such sale, except by consent of parties, in open court. Sale of premises.

SEC. 6. The provisions of chapter one hundred and thirteen of the general laws of 1858, entitled "an act relating to the foreclosure of mortgages, and the sale of lands under such foreclosure," shall not apply to the foreclosure of mortgages executed after the passage of this act. Application of certain provisions.

SEC. 7. All acts and parts of acts contravening the provisions of this act, are hereby repealed. Repealed.

SEC. 8. This act shall be published immediately, and shall take effect and be in force from and after its publication. Take effect.

Approved March 19, 1859.

[*Published March* 28, 1859.]

CHAPTER 196.

AN ACT to provide for the payment of printing documents.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated from the state treasury, a sum sufficient to defray the expenses of printing such documents as the governor was directed to have printed by joint resolution No. 17, including the reports of the school land commissioners and of the joint committee of investigation into the affairs of the state departments, which as yet have not been published. Appropriation

SEC. 2. The secretary of state is hereby authorized and directed to audit all accounts for printing, in accordance with said joint resolution No. 17, upon receiving from the governor a certificate that such printing has been performed, and the documents delivered to the superintendent of public property. Accounts, how audited.

SEC. 3. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 19, 1859.

[*Published April* 8, 1859.]

CHAPTER 197.

AN ACT in relation to evidence and limitations in certain cases.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Evidence of legality.

SECTION 1. Any deed executed prior to the passage of this act, upon the sale of any land for the non-payment of taxes, shall be *prima facie* evidence only, of the regularity of all proceedings requisite to the legal and effectual execution thereof from the valuation of the land by the assessor, up to the execution of such deed.

Actions, to recover possession.

SEC. 2. Any action may be commenced by the former owner or owners of any land, or by any person claiming under him or them, to recover the possession of land which has been sold and deeded for non-payment of taxes, previous to the passage of this act, or for the purpose of quieting the title of such land within three years from the passage of this act and not thereafter.

Take effect.

SEC. 3. This act shall take effect from and after its passage.

Approved March 19, 1859.

[*Published April* 8, 1859.]

CHAPTER 198.

AN ACT to amend section 86, of chapter 19, of the revised statutes, entitled "of highways and bridges."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section eighty-six, of chapter nineteen, is hereby amended as follows: add to the end of said section eighty-six, the words, "and the provisions and terms of this section shall apply also to all state roads."

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

[*Published April* 8, 1859.]

CHAPTER 199.

AN ACT to amend section 77, chapter 19, of revised statutes, entitled "of highways and bridges."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 77, of chapter 19, of the revised statutes, is hereby amended by inserting after the word "town," in the sixth line of said section, the words, "or an adjoining town." Amendment.

SEC. 2. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 21, 1859.

[*Published April* 8, 1859.]

CHAPTER 200.

AN ACT to amend section 41, of chapter 133, of the revised statutes, entitled "of costs and fees."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-one, of chapter one hundred and thirty-three, of the revised statutes, entitled "of costs and fees," is hereby amended by adding thereto as follows: *Provided*, the fees shall not in any one case exceed twenty-five dollars; and in actions on contract, where the amount recovered is less than two hundred dollars, shall not exceed fifteen dollars. Amendment. Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 21, 1859.

[*Published April* 8, 1859.]

CHAPTER 201.

AN ACT to remit certain penalties imposed by section 59, of chapter 26, of the revised statutes, entitled "of school and university lands."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Penalties remitted.

SECTION 1. All penalties imposed since May 1st, 1858, by section 59, of chapter 28, of the revised statutes, in all cases where the interest and charges were paid previous to the sale of the lands on which the same were imposed, are hereby remitted, and the state treasurer is hereby directed to credit the same on the interest due for the present year, and if the interest due the present year shall have been paid, then to apply on the interest for 1860.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

[*Published April* 9, 1859.]

CHAPTER 202.

AN ACT to amend chapter 69, of the revised statutes of 1858, concerning plank and turnpike road companies.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. All that portion of chapter 69, of the revised statutes of 1858, which is contained between section 41 and section 43, upon page 442, is hereby amended so that it shall read as follows:

Relating to toll-gates.

SEC. 42. Whenever any toll-gate shall be ordered to be thrown open, as provided in the preceding sections; or whenever repairs having been made on said road complained of, after such order, the said justices shall refuse to grant a certificate that it is again in sufficient repair—the company owning such gate, or gate keeper attending the same in their behalf, may appeal from the order or decision of said justices to the county judge of the county in which such justices reside, by delivering a statement in writing of their order and decision, and of such appeal, verified by affidavit to such judge, and thereupon

such county judge shall appoint by a written order, three fit and disinterested persons to view and inspect said road in all the parts complained of, and to report to him whether the same is in sufficient repair or not, and it shall be the duty of every person so appointed to act as such inspector, unless excused by said judge, and every person so appointed, who after being duly notified of such appointment, shall neglect or refuse to discharge such duties without being so excused, shall be liable to a penalty of twenty dollars, to be recovered by said company in an action before any justice of the peace in said county, and whenever any person so appointed, shall neglect or refuse to appear to discharge such duties as required by said order, said judge may appoint another in his place, and before said persons shall act, they shall appear before said judge and take and subscribe on oath faithfully and impartially to discharge the duties of said appointment, and they shall thereupon proceed forthwith to view and inspect said road where complained of, and make report to such judge, whether or not the same is in sufficient repair, and the decision of any two of said persons shall constitute the decision of said inspectors, and shall be so reported, and if said report shall be that said road is in sufficient repair, said judge shall make an order recovering [reversing] the order or decision of said justices, and said gate may be closed—but if said report is that said road is not in sufficient repair, then said judge shall affirm the order or decision of said justices, and said gate shall not be closed. But said company after making further repairs on said road, may again apply to said justices for a certificate, that it is in sufficient repair, and if granted, said gate may be closed, and if refused, said company may again appeal and have like proceedings as are herein provided for, and it shall be the duty of said company on taking any appeal as herein provided, to pay to said courts [county] judge three dollars for his services, and to each of the persons so appointed by him as inspectors, two dollars.

Inspectors appointed.

To take oath.

Relating to repairs.

Compensation

SEC. 2. All parts of said chapter 69, inconsistent with the provisions of this act, are hereby repealed.

Repealed.

Approved March 21, 1859.

[*Published April* 9, 1859.]

CHAPTER 203.

AN ACT to amend chapter ten of the revised statutes, "of state officers," and chapter 23, of the revised statutes. "of common schools."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section sixty-one, chapter ten, of the revised statutes, and section one, chapter eleventh, of the revised statutes, are hereby amended by striking out the words "one thousand dollars," referring to the salary of the superintendent of public instruction, and inserting the words "twelve hundred dollars;" and section seventy-two, chapter tenth, of the revised statutes, and section one, of chapter eleventh, of the revised statutes, are hereby amended by striking out the words "eight hundred dollars," referring to the salary of the assistant state superintendent, and inserting the words "one thousand dollars." The amendments in this section to take effect January 1st, 1860.

Relating to salaries.

Take effect.

Amendment.

SEC. 2. Section sixty-six, of chapter tenth, of the revised statutes, is hereby amended by the following addition: and the said sum is hereby annually appropriated for this purpose out of any moneys in the treasury, not otherwise appropriated.

Amendment.

SEC. 3. Section seventy-three, of chapter tenth, of the revised statutes, is hereby amended so as to read as follows: there is hereby appropriated, annually, to the superintendent of public instruction, out of any money in the treasury, not otherwise appropriated, the sum of six hundred dollars to defray traveling expenses in making official visits as required by law, said appropriation to be drawn in such sums and at such times as the state superintendent may elect.

Travelling expenses.

Official visits.

SEC. 4. Section seventy-four, of chapter tenth, of the revised statutes, is hereby amended so as to read as follows: the state superintendent shall submit in his annual report a statement of his travels in making official visits during the past year.

Clerk hire.

SEC. 5. Section seventy-five, of chapter tenth, of the revised statutes, is hereby amended by striking out the words "six hundred dollars," for defraying the expenses of clerk hire, and inserting the words "eight hundred dollars."

Amendments.

SEC. 6. Section thirty, of chapter twenty third of the

revised statutes, is hereby amended by striking out the words "first and fifteenth days of July," in the second line, and inserting the words "first and tenth days of September;" by striking out the word "July," in the fifth line, and inserting the word "September," and by striking out in the third line of the first sub-division of said section, the word "June," and inserting the word "August."

SEC. 7. Section eighty-nine, of chapter twenty-third, of the revised statutes, is hereby amended by the following addition: "and every town superintendent and town clerk, who shall neglect or refuse to carry into effect any decision or order of the state superintendent shall be liable to removal by the town board of supervisors upon proper notice thereof, and the said board shall have full power to fill any such vacancy in such manner as vacancies in other town offices are filled, except that they shall not have power to re-appoint the person or persons so removed.

Removal for neglect.

Vacancy, how filled.

SEC. 8. Section one hundred and two, of chapter twenty-third of the revised statutes, is hereby amended by striking out the word "fifty," in the fifth line, and inserting the words "sixty-five," and inserting after the word "publishers," in the tenth line, the words "postage prepaid."

Amendment.

SEC. 9. This act, except section one, shall take effect and be in force from and after its passage.

Take effect.

Approved March 21, 1859.

[*Published April* 9, 1859.]

CHAPTER 204.

AN ACT to amend section fourteen, of chapter one hundred and sixty-five, of the revised statutes.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fourteenth section of chapter one hundred and sixty-five of the revised statutes, entitled "Of offences against property," is hereby amended so as to read as follows: "Every person who shall break and enter, in the night time, or in the day time, any meeting-house, church, court-house, town-house, or college, academy, or other building, erected and employed for public use, and steal therein property exceeding the value of twenty dollars, or who shall commit the crime

Amendment.

Offence.

of larceny in any dwelling house, office, shop, bank, or warehouse, ship, steam boat or vessel, shall be punished by imprisonment in the state prison, not more than three years, nor less than one year, or by imprisonment in the county jail not more than one year, nor less than three months, or by fine not exceeding two hundred dollars.

Penalty.

Offence.

SEC. 2. Every person who shall break and enter, in the night time, or in the day time, any meeting-house, church, court-house, town-house, or college, academy, or other building erected and employed for public use, and steal therein property not exceeding the value of twenty dollars, or who shall commit the crime of larceny in any dwelling-house, office, shop, bank, or warehouse, ship, steam boat or vessel, by stealing therein money or other property not exceeding the value of twenty dollars, shall be punished by imprisonment in the county jail, for the term of six months or less, in the discretion of the court, or by fine not exceeding seventy-five dollars. Justices of the peace shall have jurisdiction concurrent with the circuit court, of the offences mentioned in this section, subject to the right of appeal as in other cases.

Penalty.

Right of appeal.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its publication.

Approved March 21, 1859.

[*Published April* 9, 1859.]

CHAPTER 205.

AN ACT to repeal so much of chapter twenty-eight of the revised statutes as authorizes or directs the appraisal of school or university lands.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. So much of chapter twenty-eight, of the revised statutes, as authorizes or directs the appraisal of school or university lands, is hereby repealed.

Relating to delinquent lands.

SEC. 2. It shall not be lawful for any county treasurer in any county of this state, nor the treasurer of any city or village, to sell any lands for delinquent or non-paid taxes which may have been mortgaged to the state as security for a loan from the school, university, or drainage fund; and if any such lands so mortgaged shall have heretofore been sold, no conveyance shall be made

thereof, in pursuance of the certificate of sale, and the clerk of the board of supervisors, or clerk of the city or village, shall enter upon his records the redemption of all such lands, and the amount due the holder of the certificate shall be paid from the treasury of the county, or from the treasury of the city and village, in which said lands may have been sold.

Returns to be made by county treasurer.

SEC. 3. The amount paid on account of such redemption shall be returned by the county treasurer to the state treasurer, in the same manner as taxes charged upon school, university, and swamp lands which have been sold by the state, and placed to the credit of the county; and if there shall be no moneys due to the state from any county which shall have returned any such delinquent taxes upon lands mortgaged to the state for loans, the state treasurer is hereby authorized and required to pay out of the proper fund the amount of all such unpaid taxes and interest, and add the same to the amount of interest and penalty due from the party who may have mortgaged any such lands to the state.

Duty of state treasurer.

Duty of register of deeds

SEC. 4. For the purpose of enabling the clerks of the boards of supervisors of the several counties, and of the cities and villages therein, to comply with the provisions of sections two and three of this act, the register of deeds in such of the counties shall furnish said clerks with an abstract of all mortgages on record in their respective offices given to secure any loan from the school, university or drainage funds of the state.

Take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 21, 1859.

[*Published April* 9, 1859.]

CHAPTER 206.

AN ACT to amend section fifty-six, of chapter twenty-three, of the revised statutes, entitled "Of common schools."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment, relating to superintendents.

SECTION 1. Section fifty-six, of chapter twenty-three, of the revised statutes, is hereby amended by adding to said section the following provision: Any person feeling aggrieved by the refusal of any town superintendent to

grant him or her a certificate according to the provisions of this section, may appeal to the state superintendent, who is hereby authorized to re-examine said applicant; and if upon such re-examination the state superintendent shall be satisfied that the applicant is qualified to teach a common school according to the provisions of this section, he shall grant the applicant a certificate to that effect, which shall give to the holder all the privileges and powers conferred by a certificate granted by a town superintendent for the term of one year. Any town superintendent shall, on application to the town superintendent of any adjoining town, be examined in regard to moral character, learning, and ability to teach school, and, if found qualified, shall receive a certificate from said examining superintendent, qualifying him to teach in the town where he, the applicant, resides, also the town where the examining superintendent resides for one year, unless annulled within that time, according to the provisions of said chapter twenty-three, for annulling the certificates of teachers.

Repealed. SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Take effect. SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1859.

[*Published April* 9, 1859.]

CHAPTER 207.

AN ACT to make a temporary loan to the state university.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Loan, for what purpose. SECTION 1. That, for the purpose of enabling the board of regents of the state university to complete the central edifice of said institution, as provided by chapter twenty-five of the general laws of 1857, entitled, "An act providing for the erection of the main edifice of the state university," approved February 28th, 1857, there is hereby appropriated to said board of regents, as a temporary loan, to be used by them in paying the contractor on said building, and to insure its speedy completion, the sum of twenty thousand dollars, payable from the general fund, out of any surplus money in the state treasury not otherwise appropriated.

SEC. 2. The commissioners of school and university lands are authorized and required to call for and collect upon all mortgages due on or before the first day of January, 1860, upon loans from the university fund, thirty per cent. of the principal of all said loans, which said money shall be paid into the state treasury on or before the first day of February, 1860. Money to be collected.

SEC. 4. The sum of twenty thousand dollars is hereby appropriated from the principal of the university fund to the repayment of said loan from the general fund in the first section mentioned, the same to be paid to said fund from the receipts of said mortgages, and from all sales of lands belonging to said university fund that may hereafter be made, until the whole of said loan, as well as interest thereon at the rate of seven per cent., is fully paid and discharged; said funds to be retained by the treasurer as they may be from time to time received. Appropriation for what purpose.

SEC. 5. The commissioners of school and university lands are authorized hereby to offer for sale all tracts of university lands yet unsold, in the manner and form prescribed by law, during the ensuing season, and the proceeds thereof shall be paid into the state treasury as soon as any such sales are made. Sale of university lands.

Approved March 21, 1859.

[*Published April* 9, 1859.]

CHAPTER 208.

AN ACT to provide for the payment of the clerk of the committee on state affairs.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated from money in state treasury a sum sufficient to pay the clerk of the committee on state affairs of the assembly. Appropriation

SEC. 2. The secretary of state is hereby authorized to audit the account of the said clerk, at a rate not exceeding three dollars per day, upon the certificate of the chairman of said committee, who shall certify to the number of days such clerk has been employed. Per diem.

SEC. 3. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 21, 1859.

[*Published April* 9, 1859.]

CHAPTER 209.

AN ACT to amend an act, entitled "An act to provide for paying the architect employed upon the capitol extension;" approved May 17, 1858.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section one, of the act, entitled "An act to provide for paying the architect employed upon the capitol extension," passed and approved May 17th, 1858, is hereby amended so as to read as follows: "The governor of this state is hereby authorized and empowered to contract with S. H. Donnell, the architect appointed under the provisions of section four, of chapter 26, of the general laws of 1857, whose compensation shall be as follows, on his estimate: Three per cent. on plans, elevations, and specifications; one per cent. for details to larger scale; and one per cent. for superintendence; which said per centage shall be in full payment for all services heretofore performed, or to be performed, and of all claims, of every name or nature, untill the completion of the entire building.

Contractor.

Per centage allowed.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1859.

[*Published April* 1, 1859.]

CHAPTER 210.

AN ACT to provide a permanent township school library fund.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Money set apart.

SECTION 1. Ten per cent. of the school fund income, subject to apportionment in the year 1860, and annually thereafter, together with the proceeds of a special state tax of one tenth of one mill on the dollar valuation, shall be, and are hereby set apart for the purpose of establishing and replenishing town school libraries, the books for which to be purchased by public authority, and distributed in some just proportion among the towns and cities of the state.

For what purpose.

SEC. 2. A special annual tax of one-tenth of one mill on the dollar valuatiou shall be and is hereby levied upon the taxable property in the state, to be collected in addition to, and with the state tax levied annually to provide for the current expenditures of the state; and the proceeds of the said special tax are hereby appropriated annually for the purpose expressed in the first section of this act. Special tax. For what purpose.

SEC. 3. After the present year, there shall be, and are hereby directed to be printed, folded, and sewed by the state printer, a sufficient number of extra copies of the session laws, journals, messages and documents of each year, to be placed in charge of the state superintendent, to supply each town and city school library in the state with a set; and these volumes shall be substantially bound, in such manner as the state superintendent, with the approval of the governor, shall direct, at a cost not exceeding thirty cents per volume, to be paid out of the fund set apart by this act for school library purposes. Laws, journals, &c. For school libraries.

SEC. 4. Section seventy-six, of chapter twenty-three, of the revised statutes is hereby repealed. Repealed.

SEC. 5. This act shall take effect and be in force from and after its passage and publication. Take effect.

Approved March 21, 1859.

[*Published April* 11, 1859.]

CHAPTER 211.

AN ACT to provide for the election of directors of railroads or other corporations, in certain cases.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the directors of any railroad or other corporation created by the laws of this state shall refuse or neglect to call and hold an annual or other meeting of the stockholders of such corporation, for the space of two years in succession, for the election of the directors of such corporation, then any stockholder or person holding any of the stock of such corporation may apply to the judge of the circuit court of the circuit wherein such corporation, or its principal office or place of business may be situated, in vacation or term time, by petition, setting forth the fact of such refusal or neglect to In case of directors neglecting to call meetings.

call and hold such meeting of the stockholders, and praying that such meeting may be called and holden as the charter and amendments thereto shall require, for the election of directors of such corporation.

Hearing before circuit court.

SEC. 2. And the said judge or court shall, immediately upon the filing of the said petition in the office of the said court, issue an order of notice of the filing the same, to be given to such corporation in such way and for such time as the judge or court shall deem sufficient, in no case to exceed thirty days, of the time and place when and where the said petition shall be heard; and if, upon such hearing, it shall be made manifest to the said judge or court that the facts alleged in such petition are true, then it shall be the duty of the said judge or court to order and decree that a meeting of such corporation shall be held, and in said order or decree shall designate the time and place of holding such meeting, which said order and decree shall be published in one or more newspapers in the district wherein such meeting is to be holden, for three successive weeks.

Duty of judge

Organization under this act

SEC. 3. At any meeting of any corporation called and holden under this act, the holders of the lawful stock of such corporation shall organize by choosing a chairman to preside at said meeting, and a clerk to record the doings thereof, and may there choose such and so many directors as the charter and laws governing such corporations shall require, who shall hold their respective offices till others are legally elected in their stead.

Take effect.

SEC. 4. This act shall take effect from and after its passage.

Approved March 21, 1859.

[*Published March* 24, 1859.]

CHAPTER 212.

AN ACT to authorize the secretary of state to audit certain accounts.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Accounts to be audited.

SECTION 1. The secretary of state is hereby authorized to audit the accounts of the Madison gas light and coke company, for all gas consumed by the state; and also the city of Madison for rent, and to the city of Madison for rent of Bank Comptroller's office, and for committee

rooms. Such accounts shall be verified by the oath of the superintendent of said company.

SEC. 2. The secretary of state, after such accounts are audited, shall draw a warrant on the treasury for the amount of such accounts, and there is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum not exceeding in the aggregate five thousand dollars, sufficient to pay said warrants. Warrants to be drawn.

SEC. 3. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 21, 1859.

[*Published April* 11, 1859.]

CHAPTER 213.

AN ACT to authorize the state superintendent of common school apportion school monies to certain towns therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state superintendent is hereby authorized and directed to apportion the present year to the towns of Cooperstown, Franklin, and Kossuth, in the county of Manitowoc; the towns of Bear Creek, Albany, Frankfort, Waubeck and Lima, in the county of Pepin; the town of New Hope, in the county of Portage; and the town of Kaukauna, in the county of Outagamie, in proportion to the number of children properly reported as entitled to share in the school fund apportionment, the same as though there were no deficiency in their school tax levy. Apportionment to certain towns.

SEC. 2. These several towns shall and are hereby required to levy their this year's deficiency in addition to their next regular school tax levy; and if they fail to do so, and fail to make their proper report to the state superintendent; as provided in chapter four of the session laws of this session, then the state superintendent shall, and he is hereby directed to deduct the amount apportioned the present year, from the amount that such towns may be entitled to by the apportionment of 1860. School tax levy. Duty of state superintendent.

SEC. 3. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 19, 1859.

[*Published April* 11, 1859.]

CHAPTER 214.

AN ACT to authorize the superintendent of public instruction to apportion certain moneys to the county of Marquette.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Apportionment of school fund.

SECTION 1. The state superintendent of public instruction is hereby authorized in making the apportionment of the income of the school fund for the present year, to apportion to the town of Crystal Lake, in the county of Marquette, an amount equal to what the same town would have been entitled to, if there had been reported nineteen children over four and under twenty years of age, more than has been returned from said town, and the town superintendent of said town of Crystal Lake, shall apportion the amount to which said town is entitled, according to the provisions of this act, to district No. (3) three in said town.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1859.

[*Published March* 29, 1859.]

CHAPTER 215.

AN ACT to appropriate to the institution for the education of the deaf and dumb, and the institute for the education of the blind of the State of Wisconsin, certain sums of money therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation, for deaf and dumb, How expended.

SECTION 1. There is hereby appropriated, out of any money in the state treasury, not otherwise appropriated, to the Wisconsin institute for the education of the deaf and dumb, the sum of fourteen thousand and six hundred dollars, payable in equal quarterly instalments, for the current expenses for the year one thousand eight hundred and fifty-nine, and the sum of five hundred dollars for constructing sewers, and the sum of one hundred dollars for expense of clothing for indigent pupils, and the sum of four thousand dollars for finishing the main building of the institute.

SEC. 2. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to the Wisconsin institute for the education of the blind, the sum of nine thousand dollars, payable in equal quarterly instalments, for the current expenses of the institute, from February 1st, A. D. 1859, to February first, A. D. 1860, and the sum of one thousand one hundred and twenty-five dollars for the payment of indebtedness for cistern and stone work, and the sum of four hundred and fifty dollars for plumbing hospital and bathing rooms, and the sum of one thousand dollars for musicol instruments and school apparatus, and the sum of four thousand dollars for finishing the outside of the institute building, and for grading and improving the grounds. For blind. Expenditures

SEC. 3. The proper officers of said institutes are hereby authorized and required to take and file vouchers for all moneys by them expended in behalf of said institutes during the current year, and report to the governor the amounts severally so expended, and the trustees of such institute shall keep a separate account of all the expenditures made in pursuance of the provisions of this act. Accounts and vouchers.

SEC. 4. This act shall take effect and be in force from and after its passage. Take effect.

Approved March 19, 1859.

[*Published March* 30, 1859.]

CHAPTER 216.

AN ACT to amend chapter one hundred and eighty-four of the revised statutes, entitled "of inquests of the dead."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 184 is hereby amended as follows: in all cases where inquests are to be taken by virtue of said chapter, in the county of Milwaukee, the same shall be taken by the coroner of said county of Milwaukee, and said coroner shall perform all the duties of taking inquests in the county of Milwaukee, defined in said chapter, and is hereby invested with all the powers of a justice of the peace in taking said inquests as defined in said chapter, and shall have exclusive power to take such inquests in said county, except in case of inability to attend to said duty; in which case the said duty may be performed by any justice of the peace of said county. Application of this act.

Fees.

SEC. 2. Said coroner shall be entitled to the same fee for said services as justices of the peace are by law entitled to in such cases.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

[*Published April* 11, 1859.]

CHAPTER 217.

AN ACT to change the name of S. Elias to that of S. E. Stamreich.

Preamble.

Whereas, Jacob Stamreich proposes to constitute S. Elias an heir at law, on condition of his assuming the name of Stamreich; and whereas, said S. Elias proposes to leave the state at an early day, which will render it impossible to attain the object of the following act, under the general laws of the state; therefore,

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Change of name.

SECTION 1. The name of S. Elias, of the city of Madison, in Dane county, is hereby changed to that of S. E. Stamreich, by which name he shall hereafter be known in all courts and places.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

[*Published April* 4, 1859.]

CHAPTER 218.

AN ACT to provide for the government of the Wisconsin state hospital for the insane.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Trustees, how appointed.

SECTION 1. The governor shall nominate, and, with the consent of the senate, appoint seven persons to be trustees of the Wisconsin state hospital for the insane, all of whom shall be residents of this state; and three of whom shall be residents of Dane county. They shall be styled the "board of trustees of the Wisconsin state hospital for the insane," and a majority of them shall

constitute a quorum for the transaction of business. Three members of those first appointed, shall serve for three years; two for two years, and two for one year, as may be designated by the governor; and upon the expiration of these successive terms, the vacancies shall be filled by appointment for three years; the appointing power being always vested in the governor and senate alone; and should any vacancy occur in the board, by death, resignation, or otherwise, such vacancy shall be filled by appointment of the governor for the unexpired portion of the time. The said board of trustees shall manage and direct the affairs and concerns of the hospital, and shall have charge of its general interests, and shall make, subject to the approval of the governor, all necessary by-laws, rules and regulations for the administration of the affairs of the hospital, not inconsistent with the constitution and laws of the state. They shall appoint a superintendent of the hospital, who shall be a skillful physician, of acknowledged ability and experience in the treatment of the insane; and who shall be a married man, and shall, during the term of his appointment, reside with his family in the hospital. They shall also appoint a treasurer, who shall be a resident of the city of Madison, and who shall give bonds to the state in such sum as the trustees shall prescribe for the faithful performance of his duties. Upon the nomination of the superintendent they shall appoint an assistant physician, and such other officers as shall be provided for in the by-laws which they shall adopt; and they shall fix the amount of salary for the superintendent and all other officers. It shall be obligatory upon the board to designate two of their number, whose duty it shall be to visit and inspect every month; a majority of the board shall visit the hospital once every three months, and the entire board annually on the first Tuesday in October, at which time it shall be their duty to make a full report to the governor, of their proceedings, and of all matters pertaining to the hospital. They are to serve without compensation, except that they shall be repaid any expenses actually incurred by them in the performance of their duties, as members of the said board; and such payments shall be made out of the state treasury, upon the warrant of the secretary of state.

Term of office

Their duties.

Superintendent.

Treasurer.

Other officers

Inspectors.

SEC. 2. The said trustees, and their successors in office, shall have power to take and hold in trust, for the use and benefit of said hospital, any grant or demise of real estate, and any donation or bequest of money or other personal

Power of trustees.

property, to be applied to the maintenance of insane persons in, or to the general use of the hospital.

Superintending physician.

SEC. 3. The superintending physician shall be the chief executive officer of the hospital; he shall nominate and exercise entire control over the subordinate officers, and he shall employ and designate the duties of all assistants connected with the institution, and may at pleasure discharge them. He shall not be compelled to obey the command of any subpœna issued in any civil or criminal case, except for capital offences; *Provided*, he shall make and subscribe to an oath or affidavit, setting forth that to do so would be a serious detriment to the institution under his charge; nor in any case, unless the court, or a judge thereof, in vacation, shall make a special order that the subpœna issue, and in such case, a memorandum of the order shall be endorsed upon the subpœna.

Proviso.

Expense of treatment.

SEC. 4. All persons, residents of this state, who may be admitted into the hospital for treatment, shall be maintained therein at the expense of the state.

How admitted

SEC. 5. The trustees may admit to the hospital, patients from without the state whenever there is room, not required by the citizens of Wisconsin, upon such terms and conditions as shall be provided for in the by-laws of the institution. The admission of insane patients from the several counties of the state, shall be in the ratio of their insane population; *Provided*, each county shall be entitled to send at least one such patient. In no case shall a county have more patients in the hospital than its just proportion, unless there be some other county which has not its proportionate number of insane which it is entitled to in the order of admission. The indigent insane of the state, shall have preference over the rich; and when the finances of the state do not permit full provisions for all cases of insanity, recent cases shall have preference over those of long standing.

Proviso.

Conditions.

Question of insanity.

SEC. 6. All persons confined as insane shall be entitled to the benefit of the writ of *Habeas Corpus*, and the question of insanity shall be decided at the hearing; and if the judge shall decide that the person is insane, such decision shall be no bar to the issuing of the said writ the second time, if it shall be alleged that such person has been restored to reason.

Persons convicted of capital offences.

SEC. 7. The courts of this state shall have power to commit to the hospital for the insane, any person who having been charged with an offence punishable with death or imprisonment, shall have been found to have been insane, in the manner now provided by law, at the

time the offence was committed, and who still continues insane; *Provided*, it shall be the duty of the court which first committed such patient to the hospital, to remove him therefrom and make other provisions for his safe detention when satisfied by the superintendent that he cannot be retained in the hospital conveniently [consistently] with the safety of the other patients. Proviso.

SEC. 8. For the admission of patients into the state hospital for the insane, it shall be necessary that some respectable physician, resident of the county in which the patient may have a legal residence, certify that he has examined the person, and found him or her insane, and in case such patient be in indigent circumstances, application may be made to the chairman of the board of supervisors of the town in which such patient resides, and he shall make an order for his or her removal to the state hospital for the insane, and shall appoint some suitable person, the friends of the patient having the preference, to convey him or her thereto; and all expenses incurred in conveying such persons to and removing them from the hospital, as provided hereinafter, shall be paid by the county in which such person shall have a legal residence. Certificate of insanity. Expenses incurred.

SEC. 9. The chairman of the board of supervisors of any town in which an indigent patient may reside, shall, upon notification by the superintendent of the "state hospital for the insane," cause to be removed such indigent patient from the hospital. He shall appoint some suitable person to perform the said duty. Removal of patients.

SEC. 10. No idiot, by which is meant a person idiotic from birth, shall be admitted into the hospital. Idiots.

SEC. 11. The board of trustees provided for in this act shall have power to act, though appointed by the governor after the adjournment of the present legislature, but the appointment thus made shall be confirmed by the senate during the next succeeding session of the legislature. First board of trustees.

SEC. 12. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of eight thousand dollars, to be drawn and expended by the superintendent, upon the order of the trustees in fencing and improving the grounds belonging to said institution, and in the purchase of furniture and materials for furnishing the building. Appropriation for what purpose.

SEC. 13. This act shall take effect and be in force from and after its passage. Take effect

Approved March 19, 1859.

[*Published April* 16, 1859.]

CHAPTER 219.

AN ACT to appropriate the sum of four thousand dollars for the purchase of stationery for the use of the state officers and the next legislature.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation for stationery.

SECTION 1. The sum of four thousand dollars out of any money in the treasury not otherwise appropriated, is hereby appropriated for the purchase of stationery for the use of the state officers and legislature for the ensuing year. The said sum of four thousand dollars may be drawn from the treasury by the person who shall be appointed by the governor to purchase said stationery, after the said person shall have given the bonds required by chapter eighty-six, of the general laws of 1857.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

[Published first March 28th, 1859. A slight error was detected in the first insertion, and the act was subsequently published April 2, 1859.]

CHAPTER 220.

AN ACT in relation to the foreclosure of mortgages on real estate, and to repeal an act entitled "An act relating to the foreclosure of mortgages and the sale of lands under such foreclosure," approved May 15, 1858.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time given to answer.

SECTION 1. In all actions and proceedings hereafter commenced for the foreclosure of mortgages on real estate, the defendant or defendants in such action or proceedings, shall have ninety days time to answer the bill or complaint filed therein, after the service of summons or publication of notice, as now required by law, and no default shall be entered in any such action until after the expiration of such time, any law to the contrary notwithstanding.

Notice of sale, how given.

SEC. 2. Whenever in any action or proceeding judgment shall be entered, or an order made by the court for the sale of mortgaged premises, and in all cases where before the passage of this act judgment has been render-

ed in any of the courts of this state, or in the district court of the United States for the district of Wisconsin, in an action to foreclose a mortgage or mortgages, or when an order or decree has been made by any such court, the said mortgaged premises shall be sold only upon three months notice given of the time and place of such sale, which notice shall be given in the manner provided in this act.

Duty of sheriff.

SEC. 3. It shall be the duty of the sheriff, deputy sheriff, or other officers appointed by the court to make sale of the mortgaged premises immediately after receiving a copy of the order for the sale of such mortgaged premises, to publish, or cause to be published, a notice of the sale of such premises, unless otherwise ordered by the court, describing the same therein as now required by law, in some newspaper of general circulation in the county in which such premises are situated, at least once in every two weeks for the period of three months before sale of the same, and if no newspaper be printed or published in said county, then the same shall be published in some newspaper in an adjoining county for the time aforesaid, and no sale of mortgaged premises under foreclosure, by action in court, shall be valid unless made in accordance with the provisions of this act.

Publication notice.

Repealed.

SEC. 4. The act entitled "an act relating to the foreclosure of mortgages and the sale of lands under such foreclosure," approved May 15th, 1858, and so much of any law and such parts of all acts as contravene the provisions of this act, are hereby repealed; *Provided*, that the provisions of this act shall not apply to mortgages executed and delivered after the time when this act shall take effect.

Proviso.

Take effect.

SEC. 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1859.

[*Published April* 11, 1859.]

CHAPTER 221.

AN ACT conferring discretionary powers upon the town board of supervisors in certain cases.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Highway tax, how expended.

SECTION 1. It shall be lawful for the board of supervisors in any town in this state, in which there is a vil-

lage that is not incorporated, upon the petition of ten tax payers residing in such village, to make an order, directed to the overseer of highways in such village, to appropriate and expend that portion of the highway tax named therein, in constructing such sidewalk or sidewalks, as they shall designate, and to procure and set out such shade and ornamental trees, in and about such village, as they shall direct; *Provided*, however, that such board shall not set apart a greater sum for the purposes above named, than twenty-five per cent. of the whole tax for such district, in any one year.

Proviso.

Streets, declared public highways.

SEC. 2. When the plat of any village in this state shall be duly certified and recorded, according to the requirements of the law in such cases made and provided, the town board of supervisors shall make an order, to be recorded by the town clerk, declaring such streets in the said village plat as they may deem necessary for public use, to be public highways without making any other survey than that made in such recorded plat; and when such order has been so recorded, the overseers of highways in such village, shall make, improve, and keep in repair such streets, the same as any other public roads.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1859.

[*Published April* 11, 1859.]

CHAPTER 222.

AN ACT to change the name of Amanda Louisa Crumb to Amanda Louisa Brond.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed.

SECTION 1. The name of Amanda Louisa Crumb is hereby changed to Amanda Louisa Brond, and she shall henceforth be known and called by said last mentioned name.

Effect of this act.

SEC. 2. Upon filing in the office of the register of deeds of the county of Fond du Lac, the written consent of her guardian and of William B. Brond and Julia Brond, his wife, to this act, the said Amanda Louisa shall from thenceforth be taken and held to be, and shall be for all the purposes of inheriting and taking by descent the property, real, personal and mixed, of said

William B. and Julia Brond, and of each of them, their child and heir at law, and the same obligations, duties and liabilities for support, maintenance, nurture, control and obedience shall devolve upon the said parties respectively as though they were natural parents of said child.

Approved March 21, 1859.

[*Published April* 11, 1859.]

CHAPTER 223.

AN ACT to amend chapter 24, of the general laws of 1859, entitled "An act to amend chapter 18, of the revised statutes, entitled 'Of assessment and collection of taxes.' "

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two, of chapter 24, of the general laws of 1859, entitled "an act to amend chapter 18, of the revised statutes, entitled of the assessment and collection of taxes," is hereby amended so as to read as follows: The state treasurer shall charge such returned taxes against the lands to which they belong, and if the said taxes are not paid on or before the first day of June next succeeding, he shall add thereto twenty-five per cent., which twenty-five per cent. shall be collected with other charges against said lands, and when collected shall be added to the principal of the appropriate fund, and if there shall be no monies due from any such county to the state, the state treasurer shall pay the amount of such delinquent taxes to the county treasurer by whom the same shall have been returned, out of the appropriate fund in the treasury.

Amendment.

Duty of state treasurer.

SEC. 2. Such parts of any and all acts as contravene the provisions of this act are hereby repealed.

Repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Take effect.

Approved March 19, 1859.

JOINT RESOLUTIONS
OF THE SENATE AND ASSEMBLY,
Session of 1859.

NUMBER I.

JOINT RESOLUTION instructing the Governor to certify in relation to the work on the capitol extension.

Resolved, by the Assembly, the Senate concurring, That the governor be, and hereby is authorized to certify to the secretary of state, the completion of the work upon the capitol extension, so far as the same has been certified to him by the superintending architects, and on receipt of such certificate by the secretary of state, that officer shall audit the account and the fifteen per cent. withheld from the contractor by the terms of his contract shall be paid to said contractor, reserving therefrom the amount estimated by the architects to be still necessary to complete the contract and one thousand dollars in addition thereto.

Approved January 25, 1859.

NUMBER II.

JOINT RESOLUTION relating to the five per cent. due the state by the United States government.

Whereas, the government of the United States in and by section 7, of an act of congress, entitled "an act to enable the people of Wisconsin territory to form a constitution and state government, and for admission of such state into the union," approved August 6th, 1846, proposed that five per cent. of the net proceeds of sales of all public lands lying within said state of Wisconsin which then had been sold, or which should be sold from and after the admission of the state into the union, should be paid to the state of Wisconsin for the purpose of making public roads, canals, &c., upon condition (in part) that the state should, by a clause in its constitution, or an ordinance irrevocable without the consent of the United

States, provide among other things, that no tax should be imposed on lands—the property of the United States; and

Whereas, by section 2, of article 2, of the constitution of the state of Wisconsin, the said proposition was accepted, ratified, and confirmed in the manner required by said act of congress, and the state prohibited from imposing taxes upon land the property of the United States, whereby the compact between the two governments became perfect, and the government of the United States bound in good faith to pay the said five per cent. according to the terms of said proposition; and

Whereas, there is now due this state on account of said five per cent. of the net proceeds of the sales of the public lands lying within its limits about two hundred and seventy thousand dollars which the United States government has refused to pay after repeated application for the payment thereof by the proper authorities of the state; therefore

Resolved, by the Senate, the Assembly concurring, That the obstinate refusal of the United States to keep and perform the said compact on its part, has released the state from the obligations thereof, and that the state can without a violation of good faith, and in justice to itself, ought to tax for the support of the state government all lands within its limits belonging to the United States, until such five per cent. is paid to the state in accordance with the spirit and intent of said compact, and that it is expedient to tax said lands accordingly.

Approved March 5, 1859.

NUMBER III.

JOINT RESOLUTION relative to the protection of American citizens, native or adopted, while without the jurisdiction of the United States.

Whereas, it is the duty of the government of the United States to protect its citizens, whether native or adopted, while residing or traveling in foreign countries, either for business or pleasure; and

Whereas, this government has, in several instances, manifested its unwillingness to interfere between foreign governments and citizens of this republic when the latter have been imprisoned or detained by the former, although they were guilty of no crime; Therefore, be it

Resolved, by the Senate and Assembly of the State of sin, That our senators in congress be instructed

MEMORIALS

OF THE SENATE AND ASSEMBLY,

Session of 1859.

NUMBER I.

A MEMORIAL to Congress for a mail route from the village of Cedar Creek, in the county of Washington, to the village of Cedarburg, in the county of Ozaukee.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interests and convenience of a large portion of the citizens of Washington and Ozaukee counties require the establishment of a mail route from the village of Cedar Creek, in the county of Washington, via the village of Mayfield, to Cedarburg, in the county of Ozaukee.

Your memorialists would therefore respectfully ask that said mail route may be established at the earliest practicable period.

Approved January 28, 1859.

NUMBER II.

A MEMORIAL to Congress relating to the claim of the state of Wisconsin to five per cent. of the net proceeds of the sales of public lands within its limits.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That by section 7, of the act of Congress entitled "An act to enable the people of Wisconsin Territory to form a Constitution and State Government and for the admission of such state into the Union," approved August 6, 1846, it is provided, among other things, as

follows, viz: That five per cent. of the net proceeds of sales of all public lands lying within said state, which have been or shall be sold by Congress from and after the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to the said state for the purpose of making public roads and canals in the same, as the legislature shall direct." This grant was made upon the condition that the state constitution, thus to be formed, should contain a clause or an ordinance irrevocably binding the state never to interfere with the primary disposal of the soil within its limits by the United States, and exempting the property of the United States from taxation, which condition was afterward strictly performed by the state, as may be seen by reference to section two, of article two, of said constitution.

Upon the adoption of said constitution by the people of the state of Wisconsin, the provision here referred to became, and still is, *irrevocable* without the consent of the United States, and your memorialists respectfully submit that upon the performance of said condition by the state, the obligation on the part of the United States to pay said five per cent. became equally binding and irrevocable, and such payment cannot be refused without a manifest violation of good faith, unless it can be shown that the state has or will appropriate the funds to other purposes than those specified in the grant. Upon this point your memorialists submit, that there is a mutual obligation for the performance of which each party has pledged its faith to the other, depending of course entirely upon the terms of the grant, by which the United States government is bound to pay over the funds, and the state in turn is bound to appropriate them to certain purposes and no others. It requires no argument to prove, that neither party can change the terms of the grant without the consent of the other. The state cannot appropriate the funds arising from this source to the payment of its debts, nor add them to the general fund for ordinary state purposes; if this be true, can the United States compel the state so to appropriate them, by withholding them to pay the indebtedness of the state; in other words, can the United States take these funds, set apart as they are both by act of Congress and the constitution of said state for special and limited purposes, and appropriate them to such general purposes as may please the officers of the general government. Your memorialists think not, and respectfully submit that the United States have nothing whatever to do with the appropriation of these funds

farther than to require the state to apply them to specific purposes specified in said grant.

The convention which formed the state constitution deemed it sound and wise policy to set apart the five per centum of the net proceeds of the sales of public lands as a part of a separate fund to be exclusively applied to the support of common schools, normal schools and academies, consequently a provision to that effect was inserted in said constitution. The convention, however, did not attempt to do this without the consent of congress; on the contrary, the provision here alluded to, is made dependent upon the consent of congress for its force and effect, (see section 2, of article 2, of said constitution), and the convention in order to obtain such consent, adopted as a part of said constitution, a resolution requesting congress upon the admission of said state into the union to pass an act, whereby said five per centum of the net proceeds of the sale of public lands lying within said state, should be granted to said state for the use of schools instead of the purposes mentioned in the said act of congress, approved August 6th, 1846. Your memorialists further represent, that by an act of congress, entitled "an act for the admission of the state of Wisconsin into the union," approved May 29, 1848, the consent requested in and by said resolution, was given, and the said state admitted into the union, whereby said constitutional provision, applying said five per centum of the proceeds of the sales of all public lands to school purposes, became of binding force, and a part of the fundamental law of the state. (See section 2, of the act of congress last above mentioned).

Your memorialists further represent, that there is now due to the school fund of the state of Wisconsin, from the general government about the sum of two hundred and seventy thousand dollars on account of the said five per cent. of the net proceeds of the sales of public lands lying within said state, under and by virtue of the several acts of congress above mentioned, which is withheld by the secretary of the treasury, solely on the ground that the *territory* of Wisconsin had divested a portion of the lands granted thereto to aid in the building of the Milwaukee and Rock river canal, and applied the proceeds thereof to other purposes.

It seems to your memorialists to be a sufficient answer to the position of the secretary, to say, that the grants in question created each a separate and distinct fund applied to separate and distinct purposes, and that the division

of one of these funds by the state or territorial governments constitutes no just reason why the general government should seize and divert the other. It is much wiser to hold to the good old doctrine that all special funds, (especially school funds), shall be regarded as sacred and inviolable, and that the unfortunate destruction or diversion of one such fund does not justify either the state or general government in making an attack upon another.

Should these views be deemed unsound, your memorialists respectfully insist, that the state is in no way responsible for the wrongful acts or misconduct of the territorial government, the power of the two governments emanating from entirely different sources.

The officers of the state are elected by the people to whom they are responsible for an honest and faithful administration of the government *under the constitution*, while the principal officers of the territory were appointed either directly or indirectly by the president of the United States, and were responsible solely to the United States for the faithful administration of the territorial government under *an act of congress*.

If the officers of the territory abused their powers and misapplied funds placed in their hands by act of congress, they are responsible therefor to the government of the United States from whence those powers emenated, and not to the state which afterwards sprang into existence by the voice of the people. Upon what principle then can it be said that a state is in any manner accountable to the United States for the delinquencies of a mere agent or servant of congress, such as a territorial government.

And your memorialists further submit as a legal proposition, that when the said state government was created, and said territorial government abolished by act of congress, the liabilities of the territorial government were not assumed by the state, except in cases expressly provided for by the state constitution, or by act of congress admitting the state into the union. Especially is this true, in case the liablity originated by the wrongful acts of the territory or its officers. Upon the dissolution of the territorial government (in the absence of such provision), all of its liabilities ceased, for the misconduct of its officers, they alone remained personally responsible to the power that appointed them.

But there is still another view in which the question may be presented. The claim against the state is one of at least doubtful character. It not only remains unliquidated and unsettled, but its legality and justice are

denied by the state, while on the other hand the claim of the state against the general government is settled and liquidated, and admitted by all parties to be both legal and just. Now by what authority of law does the secretary of the treasury assume and exercise the judicial functions necessary to enable him to decide all legal questions arising in the matter, and to pass judgment against the state, upon a doubtful claim by offsetting one of these demands against the other. Your memorialists respectfully submit, that the secretary of the treasury does not possess any such judicial power. The state cannot in this way be compelled to pay a pretended unliquidated demand, whether right or wrong, just or unjust. It seems to your memorialists that the only proper course is for the general government to present and prosecute its claims before the state legislature which can be done with the most perfect assurance that all just and legal claims will be allowed.

Your memorialists therefore respectfully ask, that such act be passed by congress as may be necessary to compel the secretary of the treasury of the United States to pay over to the state of Wisconsin, the said five per cent. of the net proceeds of the sales of the public lands, lying within the limits of said state for school purposes, according to the provisions of the several acts of congress hereinbefore mentioned.

The governor of this state is hereby requested to forward a copy of this memorial to each of our senators and representatives in congress, who are hereby authorized and requested to prosecute the said claim of the state, both before congress and the proper department of government.

Approved February 4, 1859.

NUMBER III.

MEMORIAL to Congress for a mail route from Sheboygan City, Sheboygan county, to Chilton, Calumet county, via the town of Schleswig, Manitowoc county, Wisconsin.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interest and convenience of a densely populated portion of the country would be greatly enhanced by the

establishment of a tri-weekly mail route from Sheboygan City, Sheboygan county, state of Wisconsin, to the village of Chilton, Calumet county, state of Wisconsin, via the town of Schleswig, in the county of Manitowoc, a distance of about thirty miles.

Your memorialists would therefore respectfully ask, that the said mail route may be established as aforesaid, at the earliest practicable period.

Approved February 11, 1859.

NUMBER IV.

MEMORIAL to Congress for a grant of land for an agricultural college.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

Memorial of the Legislature of the State of Wisconsin represents:

That we are eminently an agricultural state, and feeling deeply the want of a fountain head whose duty it shall be to collect and distribute information upon the subject of agriculture and the mechanic arts connected therewith, thus drawing to a common center the results of individual skill and observation, and from whose teaching shall be diffused a knowledge of the science and arts thus acquired, and further, that the subject is one well worthy of the most profound consideration.

Therefore your memorialists respectfully ask, that an adequate amount of public lands be donated to this state by congress for the purpose of establishing an Agricultural College under such regulations as may be hereafter prescribed.

The governor of this state is hereby requested to transmit a copy of this memorial to each of our senators and representatives in congress.

Approved February 11, 1859.

NUMBER V.

MEMORIAL concerning the Stockbridge lands.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists represent, that the residents of the town of Stockbridge, county of Calumet, and state of Wisconsin, are settlers upon lands of the Stockbridge reservation, and many of them have been there for a number of years: that when they located on the reserve under the law of congress, approved March 3d, 1843, and under the treaty of November 24th, 1848, made with the Stockbridge tribe of Indians, the price of these lands was no more than half the price fixed upon them by the treaty of February 5th, 1856, made with the Stockbridge and Munsee tribes of Indians: and your memorialists would further represent that the increased valuation of said lands is the result of their own labor, and the expenditure of their money in making improvements, both private and public, and it looks to your memorialists like paying a tax on their own industry: your memorialists, therefore would respectfully ask your honorable body to pass an act at the present session of congress reducing the price of these lands to the price affixed to them by the treaty of November 24th, 1848. Your memorialists would further represent, that the amount of land ceded to the United States by the treaty of 1856, was very limited, therefore the increase in price would seem the more unjust. Your memorialists would further pray an extension of time for payment of said lands agreeably to the pre-emption laws or otherwise, as your honorable body in your wisdom shall think proper and just.

The governor of the state of Wisconsin is hereby requested to transmit a copy of this memorial to each of our senators and representatives in congress.

Approved February 26, 1859.

NUMBER VI.

A MEMORIAL to Congress for an appropriation for a lighthouse at Ahnepee, in Kewaunee county.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the harbor of Ahnepee, on the west side of Lake Michigan, in the state of Wisconsin, is situated about

forty miles north of Two Rivers, and about fifty miles south of Bailey's Harbor; and that the Ahnepee River will admit any common craft seeking shelter within the same.

Your memorialists further state that the erection of a lighthouse at said point would be highly advantageous for the shipping interests of the lakes, so that the mouth of the river aforesaid can be made out at any time by vessels in distress; and your memorialists therefore pray your honorable body to cause the necessary appropriation to be made for the erection and maintenance of a lighthouse at Ahnepee, in the county of Kewaunee, and state of Wisconsin.

Approved March 7, 1859.

NUMBER VII.

A MEMORIAL to the post office department, relative to increase of service on mail route 13,846.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the service on mail route originally numbered No. 13,846, being the route from Boscobel, in Grant county, to Bad Ax, in Bad Ax county, known as the Boscobel and Bad Ax mail route, is limited to once each week; that the rapid settlement of that section of our state renders it a matter of importance that service on said route should be increased to three times each week.

Your memorialists therefore respectfully ask that said service be increased.

Approved, March 11, 1859.

NUMBER VIII.

A MEMORIAL to Congress for the establishment of a mail route from Wauzeka, in Crawford county, to Readstown, in Bad Ax county.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interests and convenience of a large number of the inhabitants of the counties of Crawford and Bad Ax require the establishment of a mail route from the village of Wauzeka, up the east side of Kickapoo River,

via Sterges' Crossing, Bell Center, Summerville, Yanker Town and Brightman's Mill, in Crawford county, to Readstown, in Bad Ax county.

Your memorialists, therefore, respectfully ask that said mail route may be immediately established, with such mail service thereon as may be deemed necessary.

Approved March 11, 1859.

NUMBER IX.

MEMORIAL to the postmaster general for increase of mail service from Jefferson to Watertown, in the county of Jefferson.

This Memorial of the Legislature of the State of Wisconsin respectfully represents:

That, as at present arranged, the mail service between Jefferson and Watertown, in the county of Jefferson, is entirely inadequate to the wants of the people; and therefore we would ask you to increase the said service, and establish a tri-weekly service, and that the said route be established by way of Johnson's Creek.

And we ask that the same may be done immediately.

Approved March 11, 1859.

NUMBER X.

MEMORIAL to congress for a mail route from Prescott, in Pierce county, to Little Falls and Sparta, in Monroe county.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of the counties of Pierce, Dunn, Eau Claire, Buffalo, Jackson, and Monroe, will be greatly promoted by the establishment of a mail route from Prescott, in Pierce county, to Little Falls and Sparta, in Monroe county.

Your memorialists would also represent that the citizens who reside in the section of country through which the contemplated mail route will pass are now almost destitute of mail facilities, except as they are supplied in an imperfect manner, at a distance from their settlements, causing daily inconvenience.

Your memorialists believe that the proposed route

will afford facilities for post office communication to a large number of the citizens, who, by their industry and enterprise, are rapidly settling and improving a valuable district of country.

Your memorialists would, therefore, ask for the establishment of said mail route at as early a day as may be practicable.

Approved March 14, 1859.

NUMBER XI.

A MEMORIAL to congress for a mail route from Darlington, La Fayette county, via Fayette, Yellow Stone, and Moscow, to Primrose, in Dane county.

To the Honorable the Senate and House of Representatives, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin represents:

That the interest and convenience of the citizens of La Fayette, Iowa, Green, and Dane counties, in said state, would be greatly promoted by the establishment of a weekly mail route from Darlington, in La Fayette county, via Fayette, Yellow Stone, and Moscow, to Primrose, in Dane county, there to intersect the Madison mail, a distance of thirty-two miles.

Your memorialists would, therefore, respectfully ask that the said route be established as speedily as possible.

Approved March 16, 1859.

NUMBER XII.

A MEMORIAL to Congress for the establishing of a mail route from Edgerton, in the county of Rock, to Fort Atkinson, in Jefferson county,

To the Honorable the Postmaster General of the United States:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the citizens of a densely populated portion of country are at present in great want of mail service from Edgerton, in the county of Rock, to Fort Atkinson, in Jefferson county, via Albion and Russelville, and that

you establish a tri-weekly service; and also, that there may be established at Russelville a post office for the accommodation of the citizens of that locality.

Your memorialists, therefore, ask that the above request may be speedily complied with.

Approved March 16, 1859.

NUMBER XIII.

A MEMORIAL for a mail route from Sumner, in Eau Claire county, to Prescott, in Pierce county, via Mendovi, Chippewa, Waubeck, Eau Galley and Rush River.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interest and convenience of the counties of Eau Claire, Dunn and Pierce, will be promoted by the establishment of a mail route from Sumner, in Eau Claire county, via Mendovi, Chippewa, Waubeck, Eau Galley and Rush River, to Prescott, in Pierce county.

Your memorialists believe that the proposed route affords facilities for post office communication to a large number of citizens who, by their industry and enterprise, are now settling and improving a valuable district of country.

Approved March 16, 1859.

NUMBER XIV.

MEMORIAL to the Post Master General for the establishment of a mail route in Kewaunee, Door and Manitowoc counties.

To the Honorable the Post Master General:

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interests and convenience of a large number of the citizens of the counties of Kewaunee, Door and Manitowoc, would be greatly enhanced by the establishment of a weekly mail route from Mishicott, in Manitowoc county, via Franklin, Montpelier, Casco and Ahnepee, in Kewaunee county, and Clay Banks and White Fish Bay, to Bailey's Harbor, in Door county.

Your memorialists would represent, that the establishment of said mail route would be of the greatest importance to the people residing in that portion of the state, most of whom are now nearly destitute of mail facilities, having no direct communication with any of the post offices now established.

Your memorialists would therefore respectfully ask, that the aforesaid mail route may be established at the earliest practicable period.

Approved March 17, 1859.

NUMBER XV.

MEMORIAL to congress for the establishment of a mail route from Trempeleau to Eau Claire.

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interests and convenience of a large portion of the citizens of Trempeleau and Eau Claire counties, are intimately concerned in the establishment of a mail route from Trempeleau, Trempeleau county, by the way of Arcadia and Chase's, (the last named on section 24, town 24, range 9), both in Trempeleau county, and thence to Eau Claire, Eau Claire county.

We would therefore ask the establishment of the aforesaid route, and that a weekly mail service may be had at the earliest practicable period.

Approved March 17, 1859.

NUMBER XVI.

MEMORIAL to the Post Master General of the United States for reinstatement of tri-weekly mail service on mail route 13,035, from Madison, in Dane county, by way of Lodi and Merrimack, to Baraboo, in Sauk county.

To the Honorable the Post Master General of the United States:

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That for a term of four years, and up to the month of September last past, there has been a tri-weekly mail service on mail route 13,035, from Madison, in the county of Dane, by way of Lodi and Merrimack, to Baraboo, in the county of Sauk.

That for reasons unknown, and to the great inconvenience and detriment of the numerous and industrious population on the line of said route, the tri-weekly mail service has been withdrawn, and a semi-weekly one established instead thereof, and that the convenience, interests, and wants of those doing business through the post office at Lodi aforesaid, necessarily require all the mail service that was ever before granted to them.

Your memorialists therefore respectfully ask, that the tri-weekly mail service on said route 13,035, may be as soon as practicable re-established.

Approved March 17, 1859.

NUMBER XVII.

MEMORIAL to Congress for the establishment of a mail route from Bell Centre, in Bad Ax county, to Sylvan, in Richland county.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists respectfully ask for the establishment of a weekly mail route from Bell Centre, in Crawford county, to Sylvan, in Richland county; and ask that the service be put on said route as soon as practicable.

Approved March 17, 1859.

NUMBER XVIII.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the convenience and interest of a large number of the inhabitants of Adams and Juneau counties require the establishment of a mail route from Mauston (Maugh's Mills P. O.) in Juneau county, to Friendship, in Adams county, by way of Germantown and Warnerville.

Your memorialists would, therefore, respectfully ask, that the above route may be established as a mail route at the earliest practicable period.

Approved March 18, 1859.

NUMBER XIX.

MEMORIAL for mail route from Foster's post office, in the county of Fond du Lac, to Cascade, in the county of Sheboygan.

To the Honorable Postmaster General of the United States:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

The interests and convenience of a large number of the inhabitants of the county of Fond du Lac require the establishment of a mail route from Foster's post office, in said county, via Waucousta and Long Lake, to Cascade, in the county of Sheboygan, with weekly service thereon.

Approved March 18, 1859.

NUMBER XX.

MEMORIAL to Congress for a mail route from Prescott, in Pierce county, to Little Falls and Sparta, in Monroe county, via Naples, in Buffalo county, and Preston, in Trempeleau county, Springfield and Irving, in Jackson county.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of a large number of the inhabitants of the counties of Jackson, Trempeleau, Pierce, and Monroe, require the establishment of a mail route from Prescott, Pierce county, by the way of Naples, Buffalo county, Preston, in Trempeleau county, Springfield and Irving, in Jackson county, to Little Falls or Sparta, in Monroe county.

Your memorialists would, therefore, respectfully ask, that the aforesaid mail route may be established, and that the service on said route be put on at as early a period as practicable.

Approved March 19, 1859.

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE. }

The Secretary of State of the State of Wisconsin, does hereby certify that the laws, joint resolutions and memorials, published in this book, have been compared with the original enrolled acts deposited in this office, and that they appear to be correctly printed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said state, at the capitol in Madison, this sixteenth day of April, A.D.-one thousand eight hundred and fifty-nine.

[L.S.]

D. W. JONES,
Secretary of State.

LIST OF APPROPRIATIONS.

Date.	No.	To whom, and for what appropriated.	Amount.
Jan. 20..	1..	Ansel L. Crocker, contesting seat of Mr. Shafter	$45 00
27..	2..	D. L. Thayer, assistant sergeant-at-arms of assembly in 1858	36 00
31..	3..	American Express Company, express charges on stationery, &c.	255 85
Feb. 3..	4..	F. Edward White, conveying state prisoners	78 00
3..	5..	Edward F. Lewis, do.	60 00
3..	6..	F. E. White, serving requisition	111 75
4..	7..	H. L. Page, conveying state prisoners, and arresting fugitive	500 00
4..	8..	Dexter Ward, conveying state prisoner	77 00
4..	9..	Charles Berger, do.	101 25
4..	10..	Wisconsin State Telegraph Co.. telegraphing for bank department	255 00
8..	11..	O. C. Buck & Co., labor, materials, and furniture for capitol	1468 09
8..	12..	B. W. Suckow, pasteboard boxes for stationery	75 00
8..	13..	William A. Perkins, payable from school fund income in March	66 00
8..	14..	S. Klauber & Co., merchandise	145 04
8..	15..	S. Klauber & Co., merchandise and labor	66 90
8..	16..	W. S. Candee & Co., carpets for capitol	1309 75
8..	17..	Jas. A. Bate, services in state treasurer's office	217 76
8..	18..	J. S. Webster, lettering, painting, and varnishing	34 50
8..	19..	Jas. W. Harvey, labor at capitol	15 00
8..	20..	A. J. Sutherland, conveying state prisoner	47 00
8..	21..	T. D. Morris ... do	90 00
8..	22..	A. J. Langworthy ... do	68 00
8..	23..	W. P. Clark ... do	76 00
8..	24..	Barna Brown ... do	41 00
8..	25..	Lawrens M. Thorp ... do	57 00
8..	26..	James W. Polleys ... do	120 75
8..	27..	A. S. Gray, serving requisition	232 00
12..	28..	H. H. West, assignee, for paper hangings	224 24
15..	29..	Madison Gas light and Coke Company, gas consumed	659 74
15..	30..	... do ... furnishing pipe & lamp post	690 00
15..	31..	William Pyncheon, cartage and services	156 34
15..	32..	John A. Perry, conveying state prisoners	83 00
15.	33..	J. A. Ellis, assignee, safe, and freight on same, and hardware	260 96
15..	34..	J. A. Ellis, assignee, hardware and labor	160 31
16..	35..	J. H. Castle, conveying state prisoner	32 50

Date.	No.	To whom and for what appropriated.	Amount.
16..	36..	Wisconsin State Hospital for Insane, completing work under contract	31710 00
16..	37..	Gilbert Dolson, conveying state prisoners	234 00
16..	38..	J. D. Welch ..... do	94 50
16..	39..	James Campbell. labor and material for capitol	34 75
16..	40..	Andrew Bishop, conveying state prisoners	67 50
16..	41..	G. P. Hebard ..... do	41 00
18..	42..	Alex. W. Randall, contingent fund	10000 00
18..	43..	John R. Cowdry, serving requisition	362 80
18..	44..	Wisconsin State Telegraph Company, telegraphing and despatches for executive office	31 95
23..	45..	J. E. Donovan, conveying state prisoners	30 00
23..	46..	Moses A. Page ..... do	101 50
24..	47..	H. C. Bull, lumber	292 46
26..	48..	F. L. Perkins, conveying state prisoner	200 00
26..	49..	John L. V. Thomas, services in organizing senate	50 00
26..	50..	Robert Wyatt, inventorying state property at Waupun	16 00
Mar. 4..	51..	Amos Parker, clock and repairing	55 00
4..	52..	Louis H. D. Crane, organizing assembly, 1859, money expended. and compiling manual	188 00
4..	53..	Donaldson and Treadway, merchandise	79 68
4..	54..	Muldoon and Crampton, labor and materials	43 50
4..	55..	W. J. Gill, filling ice house	55 00
4..	56..	Wm. Mitchell, repairs and moving safe at capitol	33 00
4..	57..	Bliss, Eberhard and Festner, stationery	1118 39
4..	58..	Amasa Cobb, expenses adjutant general's office	50 41
4..	59..	S. Klauber and Co., merchandise	92 24
4..	60..	Charles D. Adams, hardware	364 37
4..	61..	Schumacker and Johnson, safe locks, vault door and locks	221 28
4..	61..	Levi Parsons, recording swamp lands in Kewaunee county	4 80
4..	61..	W. A. Mears, constructing plank walks	729 66
4..	61..	Blair and Parsons, chandeliers and gas fixtures	1632 44
4..	61..	W. B. Walton, map for senate	150 00
4..	61..	J. D. Welch, attendance as sheriff supreme court	112 00
4..	62..	W. P. Towers, repairing, painting, and papering	241 09
4..	63..	C. B. Whiton, taking inventory state prison, 1858	20 00
4..	64..	G. W. Mitchell, conveying state prisoners	13 50
4..	65..	Wright and Paine, merchandise	39 57
5..	66..	O. M. Dering, conveying state prisoner	68 00
5..	67..	Joseph Shantz, expenses contesting office sheriff, 1855	127 00
5..	68..	William A. Mears, merchandise	96 46
8..	69..	William A. Campbell, conveying state prisoner	75 00
8..	70..	A. B. Evarts ..... do	29 00
9..	71..	O. C. Buck & Co., furniture for state	825 23
9..	72..	Julius T. Clark, wood	897 29
Mar. 9..	73..	Edmund Gibbs, gas fitting, labor and materials	708 86
9..	74..	Sam'l R. Fox, hardware and labor	527 80
9..	75..	Harlow S. Orton, for legal services,	429 98
9..	76..	T. N. Bovee, locks, keys and repairing	19 85
9..	77..	Orlando S. Phelps, conveying state prisoners	70 00
9..	78..	J. L. Thompson, taxing testimony in contested election, Chappel and Butler	6 78
9..	79..	J. F. Burchard, chairs furnished state	48 00
9..	80..	William H. Wallace, services as clerk, session 1858	48 00
9..	81..	Lemuel Berry, conveying state prisoner	38 00
8..	82..	Gleason and Brother, hardware	55 45
9..	83..	Samuel Baird, commissioner in the matter of the state against Rankin	15 00
9..	84..	Fuller, Ethridge & Co., merchandise	31 00

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE.

I, D. W. Jones, Secretary of State of the State of Wisconsin, do hereby certify that I have compared the foregoing list with original acts of appropriations deposited in this office, and that the same is a complete list of all the appropriations made at the last session of the Legislature, except such as are printed at length in this volume.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of the State at the Capitol, in Madison, this sixteenth day of April, Anno Domini eighteen hundred and fifty-nine.

[L. S.]

D. W. JONES,
Secretary of State.

INDEX.

INDEX.

Chap. A—*Academies and Normal Schools.*

94 Amending chap. 22, R. S., and chap. 139, G. L. 1858 100

Actions.

35 Relative to certain 45
128 Civil, relating to, amending sec. 8, chap. 124, R. S 135
142 In county courts, changing venue of 144

Agricultural Societies.

12 County, entitled to money 14
38 County, relative to formation and protection of 48

Appropriations.

97 To Andrew Proudfit 109
107 A. F. Phillip 118
150 Edward M. McGraw, state prison commissioner 160
192 state reform school 215
193 state hospital for the insane 216
215 institution for deaf and dumb 234
215 institution for the blind 235
219 For purchase of stationery 240
List of appropriations 265

Appeals.

83 Supplementary to chap. 139, R. S 88
139 Amending chap. 139, R. S 142
155 Relative to appeals and writs of error 162

Architect on Capitol Extension.

209 Amending act of 1858, for paying 230

B—*Banks and Banking.*

125 Authorizing publication of banking law 138

Blind.

39 Repealing chap. 102, G. L. 1858, providing for instruction of 48

George Bryant.

41 Restoring to citizenship 50

Bridges.

See highways and bridges.

C—*Cemeteries.*

122 Amend sec. 7, chap. 67, R. S 131

Cities and Villages.

93 Act providing for extending corporate limits of 99

Circuit Courts.

1 5th circuit, time of holding in 7
2 Kenosha county, authorizing special term in 8
13 Washington county, time of holding in 15
15 Rock county, relative to 16
40 8th circuit, changing time of holding in 49
49 Walworth county, time for holding terms in 59
51 10th circuit, time for holding terms in 60
54 Sauk county, changing time of holding in 66
55 LaFayette county, for holding special terms in 66
65 Waukesha county, fixing time for holding in 72
81 6th circuit, changing time for holding terms in 86
98 La Crosse and Trempeleau counties, special terms in 109
109 7th circuit, changing time of holding terms in 119
127 3d circuit, special terms in 134

Clerks.

11 To joint committee of investigation, payment of..... 14
20 Of committees on judiciary and claims, payment of..... 19
208 To committee on state affairs, payment of..... 229

Commissioners of School and University Lands.

44 To remit penalties in certain cases..... 51
56 Amending act of 1859, relative to remission of penalties..... 67
147 ....do.....do.....do.....do..... 149

Corporations.

211 Providing for election of directors to..... 231

Costs and Fees.

200 Amending sec. 41, chap. 133, R. S..... 221

County Courts.

36 In Pierce county, relative to..... 46
52 Dane county, relative to..... 62
77 Monroe county, conferring civil jurisdiction..... 80
90 Bad Ax county,....do.....do....., 104
104 La Crosse county, enlarging jurisdiction of..... 115
110 Dane county, amending sec. 18, G. L. 1859..... 120
114 Crawford county, amending chap. 117, R. S..... 125
142 Changing venue of actions in..... 144
159 Providing for docketing judgments in..... 164

Counties.

42 Of counties and county officers..... 50
43 Marquette, &c., relative to division of..... 51
68 Shawano county, organizing for judicial purposes..... 74
69 Fond du Lac, annex part of to Green Lake..... 75
117 Amending chap. 13, R. S., of counties and county officers..... 127
118 ....do.....do.....do.....do..... 127
129 Kewaunee, organizing, amending sec. 1, chap. 142, G. L. 1858..... 135
135 Marquette, for relief of..... 140
161 Dane, ...do..... 167
162 Racine,..... .do..... 167
163 Kenosha,.....do..... 168
191 Polk, to divide and erect county of Dallas..... 214
194 Shawano, amending act of 1859..... 216

County Seats.

18 Of Juneau county, removal of..... 18
45 Crawford county,....do..... 52
48 Marquette county,...do..... 58
78 Buffalo county.....do..... 83
103 Marquette, removing to Packwaukee..... 114
126 LaPointe county, removing..... 133
137 Juneau, amending chap. 130, G. L. 1856..... 141
148 Pepin, removal of..... 149

Courts of Record.

71 Relative to trials in..... 77
171 Repealing sec. 27, chap. 119, R. S..... 196
174 Papers in, filing of..... 198

Cranberries.

143 Preventing sale of unripe..... 145

William Crombie.

182 Final settlement of claims of..... 204

D—Deaf and Dumb.

39 Repealing chap. 102, G. L. 1858, providing for instruction of..... 48

Debtors.

101 Amending chap. 130, R. S., relating to proceedings against..... 112

Division of Towns.

116 Providing for copying records..... 126

Documents.

196 Providing pay for printing..... 219

Drainage Fund Monies.

106 Providing for disposal and expenditure of..... 116

E—*Evidence and Limitations.*

197 Relating to 220

Executors, Administrators and Guardians.

86 Amending act relative to sale of lands for payment of debts by 90

F—*Fences.*

185 Of regulating, construction of chap. 20, R. S..... 207

Forfeited Lands.

178 Fees for publication of sale of 201

G—*Game.*

31 Relative to preservation of..... 42
99 Amending chap. 183, R. S..... 110

General Laws—Amended.

11 To chapter 36, of 1858..... 14
17 " 103, " relative to insurance companies..... 17
19 act of 1855, changing name of Elizabeth and Virginia Brooks..... 19
23 Supplementary to chap. 80, of 1858, relating to injunctions..... 37
25 chap. 37, of 1858, relative to witnesses..... 39
26 Sec. 4, chap. 18, of 1858, relative to town laws..... 40
29 " 152, of 1858, (part of chap. 18, R. S.)..... 41
31 " 95, of 1858, (incorporated in chap. 183, R. S.)..... 42
38 " 53, of 1858, relative to county agricultural societies..... 48
43 " 85, of 1858, division of Marquette county, &c..... 51
56 act of 1859, authorizing school land commissioners to remit penalties.. 67
61 sec. 19, chap. 114, of 1858, relative to public printing..... 70
62 act of 1858, relating to publication of revised statutes..... 70
64 chap. 134, of 1858, concerning testimony..... 72
67 " 152, of 1858, (part of chap. 18, R. S.)..... 73
79 sec. 2, chap. 137, of 1858, relating to homestead exemption..... 84
80 chap. 22, of 1859, relative to sales of land for taxes 85
94 chap. 139, of 1858, of academies and normal schools..... 100
110 sec. 18, " relative to Dane county court..... 120
129 sec. 1, chap. 142, of 1858, organization of Kewaunee county..... 135
137 chap 130, of 1856, organization of Juneau county..... 141
147 act of 1859, authorizing commissioners of school lands to remit penalties 149
149 chap. 49, " " railroad mortgagors..... 150
194 Amending act of 1859, organizing Shawano county..... 216
209 " " 1858, for paying architect on capitol extension..... 230
223 " chap. 24, G. L. of 1859 of assessment and collection of taxes... 243

General Laws—Repealed.

19 chapter 21, of 1858, changing name of Elizabeth and Virginia Brooks..... 19
36 Chapter 123 of 1858, relative to Pierce county court..... 46
39 " 102 of 1858, relative to deaf, dumb and blind 48
70 " 285 of 1857, relative to aid to Mil. and Hor. R. R..... 76
76 Act of 1859, of the division of the state into counties 79
220 " 1858, relating to foreclosure of mortgages..... 240

H—*Highways and Bridges.*

27 Assessment of highway taxes..... 40
100 For laying out, between city and towns..... 111
119 Amending sec. 47, chap. 19, R. S..... 128
198 " 86, " 220
199 " 77, " 221

Homestead Exemption.

79 Amending sec. 2, chap. 137, G. L. 1858 84

Horses.

145 Incorporating associations for improving breed of 146

House of Refuge.
73 Changing name of, to "State Reform School" 78
William S. Huntington.
165 Authorizing, to convey real estate 170
I—*Injunctions.*
23 Relative to..... 37
Institution for Education of Deaf and Dumb.
215 Appropriation to..... 234
Institution for Education of the Blind.
215 Appropriation to..... 235
Inquests of the Dead.
216 Amending chap. 184, R. S..... 235
Insurance Companies.
17 Amending chap. 103, G. L. 1858 17
46 Town, authorizing formation of..... 54
190 Regulating, not incorporated by this state 209
Interest.
160 Prescribing and limiting rate of..... 165
Intoxicating Drinks.
115 Prohibiting sale of, on certain days..... 126
Islands Appropriated.
92 In Wisconsin River, to Muscoda and Richland Bridge Company..... 97
132 " to Boscobel and Manhattan Bridge Company..... 137
177 In Mississippi River, for certain purposes..... 209
183 In Wisconsin River, to Newport Bridge Company..... 204
J—*Joint Resolutions.*
No. 1 Instructing governor to certify to work on capitol extension..... 245
2 Relative to the five per cent. from U. S..... 245
3 " protection of American citizens..... 246
4 " decision of the U. S. supreme court..... 247
5 " revision of the school laws..... 248
Joint Stock Companies.
150 Amending sec. 2, chap. 78, R. S..... 151
Journal of Senate and Assembly.
179 Providing for indexing and transcribing..... 202
Judgments.
154 In certain cases, relating to..... 161
157 Concerning registry of..... 163
159 Providing for docketing in county courts..... 164
Judgment Records.
134 Authorizing clerks of circuit court to procure..... 139
Justices of the Peace.
57 Repealing sec. 1, chap. 182, R. S., relative to offences, &c..... 67
59 Amending sec. 12, chap. 183, R. S..... 69
153 Relative to jurisdistion of..... 161
L—*Legal Notices.*
3 Relating to publication of..... 8
178 Fees for publication of sale of forfeited lands..... 201
Legislature.
List of members and officers of.....3, 4, 5, 6
9 Compensation of officers of..... 12
169 " for certain officers of..... 195
Libraries.
75 Exempt from attachment and sale..... 79
M—*Mechanics Liens.*
113 Amending chap. 153, R. S..... 124

Memorials.

No. 1 For mail route from Cedar Creek to Cedarburg..... 249
3 " Sheboygan to Chilton..... 253
8 " Wauzeka to Readstown..... 256
10 " Prescott to Little Falls and Sparta..... 257
11 " Darlington to Primrose..... 258
12 " Edgerton to Fort Atkinson..... 258
13 " Sumner to Prescott..... 259
14 " in Kewaunee, Door and Manitowoc counties..... 259
15 " from Trempeleau to Eau Claire..... 260
17 " Bell Centre to Sylvan..... 261
18 " Mauston to Friendship..... 261
19 " Foster's P. O. to Sheboygan..... 262
20 " Prescott to Little Falls and Sparta..... 262
7 For increase of mail service on route No. 13,846..... 256
9 " " from Jefferson to Watertown..... 257
16 For reinstatement of mail service on route 13,035..... 260
2 Relative to the five per cent. of sales of public lands..... 249
4 For grant of land for agricultural college..... 254
5 Concerning Stockbridge lands..... 255
6 For appropriation for lighthouse at Ahnepee..... 255

Mortgages.

90 Relating to mortgages under acts of Michigan legislature of 1833..... 94
186 Of foreclosure of, by advertisement, amending chap. 154, R. S..... 207
195 Lands sold under, authorizing redemption of..... 217
220 In relation to, foreclosure of, and repeal of act of 1858..... 240

N—*Names Changed.*

19 Elizabeth and Virginia Brooks, &c..... 19
78 Frank Edward Sherman, &c..... 78
217 S. Elias..... 236
222 Amanda Louisa Crumb..... 242

Newspapers.

85 Providing for payment of certain accounts for..... 89

O—*Offences.*

82 Certain, for more effectual punishment of..... 87
136 For punishment for indecent exposure..... 140
156 Against public policy, repeal of sec. 52, chap. 169, R. S..... 163
204 Amending sec. 14, chap. 165 R. S. 225

P—*Penalties, Forfeitures and Fines.*

121 For more speedy collection of..... 129

Plank and Turnpike Road Companies.

202 Amending chapter 69, R. S. 1858..... 222
214 " certain monies to Marquette county..... 234

Pleadings.

181 Concerning amendment of..... 203

Public Printing.

61 Amending sec. 19, chap. 114, G. L. 1858, relative to..... 70

R—*Railroads.*

34 Amending chap. 79, R. S..... 44
58 Concerning companies operating their roads..... 68
70 Repealing act, relative to aid to Milwaukee and Horicon railroad..... 76
168 Providing for assessing damages to lands taken by..... 192
211 " election of directors..... 231

Railroad Mortgagors.

149 Rights of defence of, amending chap. 145, R. S. (being chap. 49, S. L. 1858) 150

Chap. *Revised Statutes—amended.*

6 To secs. 26 and 90, chap. 28, R. S., "of school and university lands,"..... 10
7 chap. 15, R. S., "of towns and town officers,"..... 11

8 chap. 2, R. S., "of the division of the state into counties, &c." 11
10 Supplementary to chap. 79, R. S., "of railroads," 13
12 chap. 80, R. S., relating to county agricultural societies 14
14 chap. 18, R. S., relative to assessment and collection of taxes 16
24 To chap. 18, R. S., of assessment and collection of taxes 38
27 Subdivision 2, sec. 25, chap. 19, R. S., relative to highway taxes 40
28 To chap. 15, R. S., of towns and town officers 41
29 chap. 18, R. S. 41
31 chap. 183, R. S. relative to the preservation of game 43
34 chap. 79, R. S., of railroads 44
37 Supplementary to chap. 86, R. S., of alienation by deed, &c 47
42 sec. 129, chap. 13, R. S., of counties and county officers 50
47 chap. 29, R. S., authorizing governor to make surveys 57
53 chap. 4, R. S., of senate and assembly districts 65
59 sec. 12, chap. 183, R. S., of offences cognizable before justices 69
60 Supplementary to chap. 117, R. S., of county courts 69
63 sec. 17, chap. 10, R. S., of state officers 71
67 chap. 18, R. S. of the assessment and collection of taxes 73
83 Supplementary to chap. 39, R. S., relative to appeals and writs of error .. 88
86 To chap. 94, R. S., relative to sale of lands by executors, &c 90
87 sec. 59, chap. 133, R. S., of costs and fees 90
91 Amending certain chapters and sections of 95
94 To chap. 22, R. S., and chap. 139, G. L. 1858 100
96 chap. 18 R. S., of assessment and collection of taxes 108
99 chap. 183 R. S., of preservation of game 110
101 chap. 130, R. S., relating to proceedings against debtors 112
105 Supplementary to chap. 78, R. S., relating to corporations 115
108 To chap. 176, R. S., relative to arrest and examination of offenders 119
112 chap. 120, R. S., of courts held by justices of the peace 121
113 chap. 153, R. S., of the lien of mechanics and others 124
114 chap. 117, R. S., of county courts having civil jurisdiction 125
117 chap. 13, R. S., of counties and county officers 127
118 chap. 13, R. S., of counties and county officers 127
119 sec. 47, chap. 19, R. S., of highways and bridges 128
120 chap. 27, R. S., relative to purchase of stationery 128
122 sec. 7, chap. 67, R. S., of cemeteries 131
124 chap 18, R. S., of assessment and collection of taxes 133
128 sec. 8, chap. 124, R. S., relating to civil actions 136
139 chap. 139, R. S., of appeals and writs of error 143
140 chap. 18, R. S., of assessment and collection of taxes 143
141 sec. 28, chap 15, R. S., of towns and town officers 144
144 sec. 37, chap. 10, R. S., of state officers 146
146 sec. 45, chap. 23, R. S., of common schools 148
149 chap. 145, R. S., (being chap. 49, S. L. 1858)—railroad mortgagors .. 150
150 sec. 2, chap. 73, R. S., of joint stock companies 151
158 secs. 12, 13, 14, chap. 47, R. S., of town plats 163
166 certain sections and chapters of R. S. 170
167 chap. 18, R. S., of assessment and collection of taxes 171
170 secs. 24 and 26, chap. 18, R. S 196
172 sec. 59, chap. 28, R. S., of school and university lands 197
173 chap. 27, R. S., of purchase of stationery 197
184 sec. 117, chap. 15, R. S., of towns and town officers 206
185 construction of revised statutes, of regulating fences 207
186 chap. 154, R. S., of foreclosure of mortgages 207
187 sec. 21, chap. 28, R. S., relative to sale of school lands 208
188 chap. 86, R. S., alienation by deed, &c 208
198 sec. 86. chap. 19, R. S., of highways and bridges 220
199 sec. 77, " " " 221
200 sec. 41, chap. 133, R. S., of costs and fees 222
202 chap. 69, R. S., concerning plank and turnpike road companies 223
203 chap. 10—and chap. 23, R. S 224
204 sec. 14, chap. 165, R. S 225

206 sec. 56, chap. 23, R. S. 227
215 chap. 184, R. S., of inquests of the dead 235

Revised Statutes—repealed.

57 Sec. 1, chapter 182, of offences before justices 67
66 14, " 191, time when statutes go into operation 73
156 53, " 169, of offences against public policy 163
171 27, " 119, concerning courts of record 196
205 Part of chapter 28, concerning appraisals of school lands 226

S—*Schools.*

4 Town clerks to certify to amount assessed for 9
32 Apportionment of money in Theresa 43
33 Repealing sec. 53, chap. 23, R. S. 43
146 Amending sec. 45, " " 148
203 Amending chap. 23, R. S. 224
206 Amending sec. 56, chap. 23, R. S. 227

School, University, and Swamp Lands.

5 Extending time for payment of interest on 10
6 Amending secs. 26 and 90, chap. 28, R. S. 10
172 " 59 " " 197
176 To confirm title in 199
187 Amending sec. 21, chap. 28, R. S. 208
201 To remit certain penalties 222
205 Repealing chap. 28, R. S. authorizing appraisals of school lands 226

Sheriff.

72 Vacancies in office of, providing for 77

Ships, Boats, and Vessels.

151 Proceedings against, and repealing chap. 150, R. S. 151

State.

8 Division of, into counties, &c. 11
76 Repealing act amending chap. 2, R. S. 79
89 Preventing unauthorized purchases for 92
102 Releasing right of, to certain escheated lands 113

State Officers.

68 Amending sec. 17, chap. 10, R. S. relative to 71
144 " 37, " 146
189 Fees of, concerning 209
203 Amending chap. 10, R. S. 224

Secretary of State.

189 To audit certain accounts 202
212 " " 232

State Treasurer.

16 To retain interest monies from university fund income 17
175 To receive certain orders from Buffalo county 198

State Superintendent of Public Instruction.

32 To apportion school money in Theresa, Dodge county 43
213 " " to certain towns 233

State Superintendent of Public Property.

120 Amending chap. 27, R. S. 128
173 " " 197

State Prison Commissioner.

152 Edward M. McGraw, appropriation to 160

State Lands.

176 Certain, to confirm title in 199

State Land Mortgages.

88 Concerning, in city of Racine 91
123 Forfeited, providing for assignment of 131
130 Extending time of payment of 136

Stationery.

120 Amending chap. 27, R. S. 128
178 " " 197
219 Appropriation for purchase of 240

State Hospital for the Insane.

198 Appropriation to 216
218 Providing for the government of 236

State Reform School.

192 Appropriation to 215

State Tax.

30 Relating to unpaid, in Kewaunee county 42
50 " payment of, in Douglas and La Pointe counties 60
84 Remitted, for 1857, in Dodge county 89
111 For levying, for 1859 121

Supreme Court.

131 Relative to suits on appeal or writ of error in 136
133 Prescribing duties of clerk of 139

Swamp and Overflowed Lands.

164 Providing for drainage in certain counties 168

T—*Taxes.*

14 Relative to assessment and collection of 16
22 " sale of lands for unpaid taxes 21
24 " assessment and collection of 38
27 " highway, assessment of 40
67 amending chap. 152, G. L. 1858, (part of chap. 18, R. S.) 73
80 " " 22, " 1859, ... 85
96 " " 18, R.S. 108
124 " " " " 132
140 " " " " 143
167 " " " " 171
170 amending sec 24 and 26, chap. 18, R. S. 196
223 " chap. 24, G.L. of 1859 243

Towns.

7 Amending chap. 15, R. S., of towns and town officers 11
26 Laws, relative to distribution of 40
28 Amending chap. 15, R. S., of towns and town officers 41
141 " sec. 28, chap. 15, R. S 144
184 " sec. 117, " 206
221 Conferring discretionary powers on town boards 241

Township School Library Fund.

210 Providing for 230

Town Plats.

158 Amending secs. 12, 13, 14, chap. 47, R. S 163

U—*Undertakings and Securities.*

21 Relative to 20

W—*Webster's Dictionary.*

138 Providing for purchase of 141

Witnesses.

25 Compensation to, before legislative committees 39

Wisconsin University.

16 Interest monies, state treasurer to retain 17
207 Temporary loan to, authorizing 226

Writs of Error.

83 Supplementary to chap. 139, R. S. 88
139 amending " " " 142
155 Relative to 162

11254-1